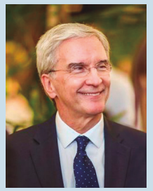

Fernando de Mello Barreto graduated in Law from USP (University of São Paulo) and practiced law in São Paulo and New York, where he obtained a master's degree from Columbia University. A career diplomat, he held positions in Madrid, Quito, New York (UN), Ottawa, Geneva (WTO), London (Consul General), Canberra (Ambassador), Boston (Consul General), and Hartford (Consul General). Upon returning to Brazil, he served as Deputy Secretary for International Relations of the São Paulo City Hall and as a Collaborative Professor at the Institute of International Relations of USP.

In this book, Fernando de Mello Barreto presents diplomacy in its multiple aspects, both for potential diplomats and for those interested in international topics in general. While addressing global diplomacy, the text includes examples of the implementation of Luso-Brazilian foreign policy throughout its history. It summarizes the key concepts of diplomacy and its long evolution. It analyzes foreign ministries and various aspects related to diplomats. It examines central areas of contemporary diplomacy: peace and security, human rights, economy (trade, finance, and cooperation), environment, culture and public diplomacy, as well as so-called subnational diplomacy. Finally, it considers the challenges related to the increasing number of actors and issues being addressed, the changes, and the perspectives for the necessary adaptations of diplomacy in the future.

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Fernando de Mello Barreto

Diplomacy

Traditions, Changes, and Challenges

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Table of contents

Second Part
Ministries of Foreign Affairs and Their Diplomats

Acronyms

AU	African Union
ASEAN	Association of Southeast Asian Nations
BRICS	Brazil, Russia, India, China, and South Africa
CELAC	Community of Latin American and Caribbean States
COP	Conference of the Parties of the Paris Agreement on Climate Change
ECOSOC	Economic and Social Council
EU	European Union
FAO	Food and Agriculture Organization of the United Nations
GATT	General Agreement on Tariffs and Trade
IACHR	Inter-American Court of Human Rights
IAEA	International Atomic Energy Agency
IBRD	International Bank for Reconstruction and Development
IBSA	India, Brazil, and South Africa
ICAO	International Civil Aviation Organization
ICC	International Criminal Court
ICJ	International Court of Justice
ICLEI	International Council for Local Environmental Initiatives
ICO	International Coffee Organization
ICRC	International Committee of the Red Cross
IDB	Inter-American Development Bank
ILC	International Law Commission
ILO	International Labour Organization
IMF	International Monetary Fund
IMO	International Maritime Organization

IOC	International Olympic Committee
IPCC	Intergovernmental Panel on Climate Change
ITU	International Telecommunication Union
LAIA	Latin American Integration Association
MAI	Multilateral Agreement on Investment
MERCOSUR	Southern Common Market
MIGA	Multilateral Investment Guarantee Agency
NATO	North Atlantic Treaty Organization
NPT	Treaty on the Non-Proliferation of Nuclear Weapons
OAS	Organization of American States
OECD	Organization for Economic Co-operation and Development
OPCW	Organization for the Prohibition of Chemical Weapons
OSCE	Organization for Security and Co-operation in Europe
PCA	Permanent Court of Arbitration
PLO	Palestine Liberation Organization
SWAPO	Southwest Africa People's Organization
UCLG	United Cities and Local Government
UN	United Nations
UNASUR	Union of South American Nations
UNCED	United Nations Conference on Environment and Development
UNDP	United Nations Development Programme
UNEP	United Nations Environment Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNGA	United Nations General Assembly
UN-Habitat	United Nations Human Settlements Programme
UNHCR	United Nations High Commissioner for Refugees
UNHRC	United Nations Human Rights Council
UNSC	United Nations Security Council
UNSG	United Nations Secretary-General

UPU	Universal Postal Union
VCCR	Vienna Convention on Consular Relations
VCDR	Vienna Convention on Diplomatic Relations
WHO	World Health Organization
WTO	World Trade Organization
WWF	World Wildlife Fund

Introduction

This book is based on class materials prepared by the author for students enrolled in a course titled "Diplomacy: Theory and Practice," taught in 2023 and 2024 as part of the undergraduate program at the University of São Paulo's Institute of International Relations. Its objective, akin to that of the course, is to familiarize potential diplomats and those interested in international issues with diplomacy's multiple aspects. Although this work addresses global diplomacy, throughout the text, text boxes containing examples of the implementation of Luso-Brazilian foreign policy practices throughout history have been inserted.

The book is divided into four parts. The first part summarizes the main concepts of diplomacy and its long evolution. The second part analyzes foreign ministries and multiple aspects related to their main actors, i.e., diplomats. To this end, it examines the recruitment, selection, training, career, rights, duties, and functions of these professionals. The third part examines some central areas of contemporary diplomatic action: peace and security, human rights, economy (trade, finance, and cooperation), environment, culture, and public diplomacy, as well as a section on so-called subnational diplomacy. The fourth and final part considers the challenges (particularly those related to globalization, the increase in the number of actors and topics addressed), changes, and perspectives for the necessary adaptations of diplomacy in the future.

Given its comprehensive nature, the book may also interest those intending to work in intergovernmental and non-governmental organizations, international companies, and subnational entities that interact with diplomacy or indirectly participate in it, such as in the preparation of studies that serve as a basis for negotiations, in the preparation and execution of conferences, or in working with diplomacy to defend specific interests.

For the theoretical examination, I relied on recent literature, almost entirely from the 21st century, available mainly abroad, and for the

practical examination, I drew on my four-decade professional experience as a career diplomat. Interaction with students and engagement with professors provided me with an opportunity to bridge the gap between a professional in the field and scholars and enthusiasts of international relations, in an exercise of dialogue between academia and diplomacy. In this regard, I take this opportunity to express my heartfelt thanks to Professor Pedro Dallari, Director of the Institute of International Relations, for his immense support, and to Professor Alexandre Moreli, for his patient and meticulous reading of the manuscript and his very valuable suggestions for improving the text, particularly its historical part.

First Part
Diplomacy: Concept and Evolution

Chapter 1
Diplomacy—Concept

Diplomacy has been defined in different ways throughout history. The word itself has undergone semantic evolution since it originated from the Greek word "diploma," which meant "folded object." With time, it came to signify proof that the bearer enjoyed a privilege granted by a sovereign. Over the centuries, it acquired many other meanings, and today there are numerous ways to conceptualize diplomacy.[1]

1.1. Definitions

Considering the many existing meanings, Nicolson proposed in 1963 the use of the Oxford English Dictionary's definition which described diplomacy as both a method and an art:

> Diplomacy is the management of international relations by negotiation; the method by which these relations are adjusted and managed by ambassadors and envoys; the business or art of the diplomat.[2]

In the same decade, Burton argued that "state diplomacy" should be interpreted as negotiation or as the production of policy and negotiation, although it has been "conventionally regarded as an art," and, in these conditions, "the task of diplomacy" is "to achieve what is possible."[3]

More recent definitions no longer refer solely to diplomats but also include other actors. This is the case with Hamilton and Langhorne, who, in 2011, defined diplomacy as "the peaceful conduct of relations amongst

1 Chas W. Freeman and Sally Marks, "Diplomacy," Politics, Law & Government, International Relations, Britannica, last modified June 19, 2022, https://britannica.com/topic/diplomacy#233733.

2 Harold Nicolson, *Diplomacy*, 3rd edition (Oxford: Oxford University Press, 1963), 4-5.

3 J. W. Burton, *Systems, States, Diplomacy and Rules* (Cambridge: Cambridge University Press, 1968), 147.

principals and accredited agents".[4] In another, even broader definition, presented in 2016, Constantinou stated that diplomacy arises "whenever someone successfully claims to represent and negotiate for a territory or a group of people or a cause or successfully claims to mediate between others engaging in such representations and negotiations."[5]

These *avant-garde* authors coexist with others who continue to emphasize the role of states in diplomacy. Roberts, for example, described diplomacy in 2017 as "the conduct of business between states by peaceful means."[6] Barston, in 2019, stated that diplomacy consists of "advising, shaping, and implementing foreign policy."[7] In summary, as Verbeke observed in 2023, "one must learn to accept that diplomacy means different things to different people at different times and that diplomacy can be approached in different ways."[8]

For me diplomacy consisted of fulfilling a vocation that provided opportunities for the performance of numerous distinct functions, both bilateral and multilateral, diplomatic and consular, and, more recently, increasing interaction with other actors in the diplomatic sphere. During my career, I was able to experience incremental changes in practices, especially after the advent of electronic communication, which led to near abandonment of sending dispatches via diplomatic pouches, an evolution from formal language to more direct expressions, more analyses, to name just a few examples of the many changes that I have witnessed.

1.2. Characteristics

When well practiced, as noted by Berridge, diplomacy "is an essentially political activity [...] and skillful, a major ingredient of power".[9] In the same

4 Keith Hamilton and Richard Langhorne, *The Practice of Diplomacy. Its Evolution, Theory, and Administration*, 2nd edition (Abingdon: Routledge, 2011), 1.

5 Costas M. Constantinou, "Everyday Diplomacy: Mission, Spectacle and the Remaking of Diplomatic Culture," in *Diplomatic Cultures and International Politics*, ed. Jason Dittmer and Fiona McConnell (Abingdon: Routledge, 2016), 23.

6 Ivor Roberts, "Diplomacy—A Short History from Pre-Classical Origins to the Fall of the Berlin Wall," in *Satow's Diplomatic Practice*, 7th edition, ed. Ivor Roberts (Oxford: Oxford University Press, 2017), 3.

7 R. P. Barston, *Modern Diplomacy*, 5th edition (Abingdon: Routledge, 2019), 1.

8 Johan Verbeke, *Diplomacy in Practice: A Critical Approach* (Abingdon: Routledge, 2023), 1.

9 G. R. Berridge, *Diplomacy: Theory and Practice*, 6th edition (Houndmills and New York: Palgrave, 2002), 1.

vein, Roberts argued that a country's negotiation capability constitutes a form of soft power,[10] that is, the capacity to attract instead of coercing. A national diplomacy in that sense can strengthen a country's power through seduction for its culture, political values, or foreign policy. The accumulated diplomatic capital is thus part of a country's soft power. I have defined such national asset elsewhere as the accumulation of tradition, credibility, coherence, predictability, and negotiation capability developed by skilled and trained diplomats.[11]

Some recent authors have challenged the old description of diplomacy. Thus, to Spence et al., for example, diplomacy "is not confined to foreign ministries." In their view, it extends "across many government departments as international relations of trade, development, economic, and national security policy."[12] For these authors, diplomacy offers new ways of looking at its central tenets—negotiation, communications, dialogue, summitry, intelligence, and the fostering and maintenance of relationships.[13]

This book will show that several authors go further in the description of a current diplomatic stage that includes many other actors, among them intergovernmental and non-governmental organizations, multinational companies, and even individuals (especially celebrities) who directly or indirectly participate in or influence international negotiations.

1.3. Objective

A country's diplomacy traditionally aims primarily to promote the interests of the state it represents. As noted by Berridge, "its chief purpose is to enable states to secure the objectives of their foreign policies without resorting to force, propaganda, or law."[14] It should be noted that these objectives are more easily achieved in countries with a higher degree of

10 Roberts, "Diplomacy—A Short History," 4.

11 Fernando Mello Barreto, "O capital diplomático brasileiro," *Interesse Nacional* 14, no. 54 (July-September, 2021).

12 E. Spence, Claire Yorke, and Alastair Masser, "Introduction," in *New Perspectives on Diplomacy. A New Theory and Practice of Diplomacy* (London: I.B. Tauris, 2021), 8.

13 Spence, Yorke, and Masser, "Introduction," 2.

14 Berridge, *Diplomacy: Theory and Practice,* 1.

democracy, where there is greater tolerance for dialogue and understanding, as well as acceptance of different points of view.

Diplomacy daily undertakes actions aimed at promoting trade, tourism, culture, and communications. At the same time, as observed by Zartman, normal diplomacy routinely accounts for defusing numerous conflicts that, thanks to its actions, have ceased to occur or turn violent.[15] In Melissen's words, "the end of wars, virtually without exception, involves a significant element of diplomatic negotiation."[16]

1.4. Theory and Practice

How to distinguish the practice from the theory of diplomacy? To paraphrase Nicolson, practice concerns the experience and habits acquired in conducting international affairs and negotiations[17], while theory examines principles and methods of conduct and negotiation observed during the exercise of practice.[18] More recent authors, such as Constantinou et al., have a broader conception of diplomatic theory which consists of the "systematization of thinking, an extensive elaboration of ideas and principles governing or seeking to explain a particular phenomenon."[19]

A classic difference between diplomatic theory and practice, in Nicolson's view, occurs when, during a negotiation, a particular policy must yield to the reality of circumstances, as it happened, for example, when Woodrow Wilson discovered that his idea of open diplomacy, in practice, was unworkable.[20] In other words, as emphasized by Verbeke, "idealism dominates the rhetoric of diplomatic even when its actual practice is guided by realism."[21]

15 William Zartman, "Diplomacy as Negotiation and Mediation," in *Diplomacy in a Globalizing World,* ed. Pauline Kerr and Geoffrey Wiseman (Oxford University Press, 2013), 105.

16 Jan Melissen, *Innovation in Diplomatic Practice* (Berlin: Springer, 2016), xvi.

17 Nicolson, *Diplomacy*, 5.

18 Nicolson, *Diplomacy*, 16.

19 Costas M. Constantinou, Pauline Kerr, and Paul Sharp, "Introduction: Understanding Diplomatic Practice," in *The SAGE Handbook of Diplomacy*, ed. Costas M. Constantinou, Pauline Kerr, and Paul Sharp (London: SAGE, 2016), 13.

20 Nicolson, *Diplomacy*, 42.

21 Verbeke, *Diplomacy in Practice,* 4.

What is the purpose of distinguishing diplomatic theory from practice? Constantinou et al. answer this question by stating that "a study of diplomacy for the 21st century ought to be conceptual and historical but also fully global—in terms of issues and scope." They explain that "[such a study] needs ambitiously to engage and understand the concept of diplomacy in history, the contexts within it emerges as a positive or negative term, as well as what is at stake in demanding or claiming moves from 'old' to 'new' diplomacy."[22]

In summary, to propose changes in diplomacy, it is necessary to examine it comprehensively in its history, scope, and objectives. This is what I attempt to do in the next chapter, albeit briefly.

22 Constantinou, Kerr, and Sharp, "Introduction: Understanding Diplomatic Practice," 2.

Chapter 2
Diplomacy—History

This second chapter provides a concise overview of the extensive historical evolution of diplomacy. My aim here is primarily to elucidate how certain diplomatic traditions and practices emerged, whose necessity may have been lost in a forgotten trajectory and are now viewed as outdated or inadequate considering technological advancements and changing world perceptions.

Summarizing the history of diplomacy is a challenging task, as it deals with an activity possibly exercised from the time when early societies decided to listen to messengers instead of attacking them.[23] The beginning of diplomatic practice is associated with the development of writing,[24] but some of its elements may have existed even in relations between tribes, as these—as Cohen recalls—sent messengers to negotiate marriages and establish territorial boundaries for hunting.[25] As we will see, gradually these messengers would come to be received and sent, as well as protected.[26]

2.1. Antiquity

Since the beginning of recorded history, approximately 4,500 years ago, sovereigns conducted their relations with other leaders through official

23 Keith Hamilton and Richard Langhorne, *The Practice of Diplomacy. Its Evolution, Theory, and Administration,* 2nd edition (Abingdon: Routledge, 2011), 7.

24 Corneliu Bjola and Markus Kornprobst. *Understanding International Diplomacy: Theory, Practice, and Ethics* (Abingdon: Routledge, 2018), 14.

25 Raymond Cohen, "Diplomacy through the Ages," in *Diplomacy in a Globalizing World*, ed. Pauline Kerr and Geoffrey Wiseman, (Oxford: Oxford University Press, 2013), 15.

26 Chas W. Freeman and Sally Marks, "Diplomacy," Politics, Law & Government, International Relations, Britannica, last modified June 19, 2022, https://britannica.com/topic/diplomacy#233733.

emissaries.[27] Initially, leaders considered this relationship important for mutual recognition, as well as for acquiring goods and soldiers.

There are records of active diplomacy in the Near East, between the Tigris and Euphrates rivers, since the third millennium BCE, some even dating back to the end of the fourth millennium.[28] A message between kingdoms that now constitute Syria and Iran reveals diplomacy, written in Sumerian cuneiform, with records of a network of messengers, palace protocols on forms of address, exchange of gifts, and negotiations based on reciprocity.[29] Other diplomatic documents from the period dealt with trade routes, strategic-military cooperation, alliances, negotiation, and ratification of treaties, as well as extradition of political prisoners and refugees. They established mediation and arbitration practices, codes of conduct for diplomats, and exchange of envoys on special missions.[30] They granted fraternal treatment to countries of equal stature or to those where marriages between respective dynasties had occurred, not identical to vassal states.[31] Historical examination reveals that the Akkadian language (spoken in Babylonia) became the language of diplomacy but would later be replaced by Aramaic. It also shows that the oldest treaties would have been those signed between Pharaoh Ramses II and the Hittite rulers. Biblical passages refer to Assyrian diplomacy and the relations of Jewish tribes with other peoples.[32]

The earliest records of diplomacy in China and India date back to the first millennium BCE.[33] The Chinese tradition of external negotiations ceased, however, after the rise of the Qin dynasty in 221 BCE. From then on, the country limited itself to establishing borders, defending the territory against external attacks, receiving emissaries to deal with trade, and controlling merchants in designated ports for import and export.[34]

27 Cohen, "Diplomacy through the Ages," 15.

28 Ivor Roberts, "Diplomacy—A Short History from Pre-Classical Origins to the Fall of the Berlin Wall," in *Satow's Diplomatic Practice*, 7th edition, ed. Ivor Roberts (Oxford: Oxford University Press, 2017), 6.

29 Cohen, "Diplomacy through the Ages," 16.

30 Hamilton and Langhorne, *The Practice of Diplomacy,* 8.

31 Hamilton and Langhorne, *The Practice of Diplomacy,* 9.

32 Freeman and Marks, "Diplomacy."

33 Freeman and Marks, "Diplomacy."

34 Freeman and Marks, "Diplomacy."

India also had little external connection until its conquest by Alexander the Great in 326 BCE. This was followed by an effort to expand Buddhism to other countries. However, external contacts would be suspended, except with southern kingdoms.[35]

In ancient Greece, diplomacy appeared in some form in literature, in the Olympic games, in alliances sought in the mid-6th century BCE, and in the creation of military leagues. The first diplomats (heralds)—seen as protected by Hermes, the messenger of Zeus—were sent on short-term missions to other city-states whose policies they sought to influence. They were chosen by assembly, received strict instructions, and addressed the parliament of the receiving city-state.[36] Consular agents were stationed continuously to deal with commercial relations and, secondarily, to gather information. *Prostates* (chosen by Greeks abroad) and *proxenoi* (appointed by city-states) would be the precursors of today's consuls.[37] Greeks kept archives, created diplomatic vocabulary, developed principles of international law, and the idea of diplomatic immunity for correspondence and personal property. They negotiated truces, neutrality, commercial conventions, treaties, and alliances.[38] The conference of the Peloponnesian League convened by Sparta to debate whether to declare war on Athens[39] constituted the first diplomatic conference,[40] or at least the first record of a diplomatic conference.[41] It was an exercise in democracy because, curiously, Athens was represented at the meeting.

Rome adapted the Greek diplomatic legacy to its administrative needs[42]. Rome also inherited the Greek appreciation for oratory and the ability to persuade through argumentation.[43] It ceremoniously received foreign envoys and granted them immunities. Sometimes it sent emissaries

35 Freeman and Marks, "Diplomacy."

36 Bjola and Kornprobst, *Understanding International Diplomacy*, 17.

37 Juke Lee and John Quigley, *Consular Law and Practice* (Oxford: University Press, 2008), 4.

38 Freeman and Marks, "Diplomacy."

39 Freeman and Marks, "Diplomacy."

40 Andrew F. Cooper, Jorge Heine, and Ramesh Tahakur, "Introduction: The Challenges of 21st–Century Diplomacy," in *The Oxford Handbook of Modern Diplomacy* (Oxford: Oxford University Press, 2013), 4.

41 Cohen, "Diplomacy through the Ages," 21.

42 Freeman and Marks, "Diplomacy."

43 Bjola and Kornprobst, *Understanding International Diplomacy*, 15.

called "*nuncii*" to other cities and sometimes it designated "*legati*" to larger urban centers. It maintained archivists and developed paleographic techniques for deciphering documents. Rome's main contribution to diplomacy, according to Nicolson, would not be in negotiation, but in international law.[44] In the republican period, the laws applied to both Romans and foreigners (and their envoys) comprised the law of nations (*jus gentium*).[45] Roman law served as a basis for treaties, which should be interpreted not literally, but based on equity and reason.[46] The Senate was responsible for choosing ambassadors and instructing them, but after the end of the republic, the emperor would have the final say in foreign policy. As the empire expanded, it negotiated treaties to establish, with the conquered peoples, forms of local government, placing them under its aegis, in a process during which the distinction between the internal and external would blur.[47] Diplomacy thus became a vehicle for managing relations with subordinate peoples.[48]

2.2. Middle Ages

With the end of the Western Roman Empire, ancient diplomatic traditions faded. Nevertheless, there was promotion of trade, search for allies, negotiated solutions to disputes, marriages between dynasties, negotiations for the appointment of bishops, and territorial claims.[49] Between the 5th and 9th centuries, monarchs negotiated directly with nearby rulers, resorting to sending emissaries only to deal with more distant kingdoms.[50]

The court of the Eastern Roman Empire in Constantinople—which would remain relevant for another millennium (330-1453)—had a foreign department created to deal with foreign envoys. As a means of

44 Harold Nicolson, Diplomacy, 3rd edition (Oxford: Oxford University Press, 1963), 8.
45 Freeman and Marks, "Diplomacy."
46 Nicolson, *Diplomacy*, 9.
47 Hamilton and Langhorne, *The Practice of Diplomacy*, 17.
48 Cohen, "Diplomacy through the Ages," 21.
49 Cohen, "Diplomacy through the Ages," 24.
50 Freeman and Marks, "Diplomacy."

self-preservation, as Byzantium declined, its emissaries abroad were instructed to gather information about neighbors and to promote rivalry among them, or to win the friendship of those closer through flattery and the granting of subsidies, as well as through religious conversion.[51] The sending of written reports, which would constitute the backbone of European diplomacy, originated from this Byzantine innovation.[52]

For its part, the Catholic Church maintained a system of sending *legati* (lower ranking envoys) and *nuncii* (messengers to major urban centers) carrying letters of credence.[53] Over time, these began to include a clause of full powers (*plena potestas*) to negotiate and conclude agreements.[54] In the late 12th century, the term "*ambasciatore*" (derived from *ambactiare,* to go on a mission) began to be used in Italy to indicate various types of envoys.[55] The title gradually came to be used only for envoys sent by secular rulers, reserving the title of nuncio for emissaries of the Church.[56] The Papacy constituted a diplomatic "powerhouse," promoting mediation and arbitration to preserve the *res publica Christiana*.[57] Nuncios took precedence over other envoys, with canon law invoked to justify this practice.[58]

The Church also contributed to the formation of international law by promoting the principle that promises should be kept (*pacta sunt servanda*).[59] Medieval Latin persisted during this period as the language of diplomacy, not only because it was the written language of the Roman Empire but also of its successor, the Holy Roman Empire, and of the Catholic Church. It is not surprising that it would continue to be the written language of the early modern European diplomacy.[60]

51 Nicolson, *Diplomacy*, 10.
52 Cohen, "Diplomacy through the Ages," 23.
53 Freeman and Marks, "Diplomacy."
54 Freeman and Marks, "Diplomacy."
55 Freeman and Marks, "Diplomacy."
56 Freeman and Marks, "Diplomacy."
57 Cohen, "Diplomacy through the Ages," 25.
58 Freeman and Marks, "Diplomacy."
59 Cohen, "Diplomacy through the Ages," 25.
60 Roberts, "Diplomacy—A Short History," 81.

2.3. Renaissance

The modern version of diplomacy originated in northern Italy during the 13th and 14th centuries.[61] The fragility of the city-states of the Italian peninsula demanded the development of permanent negotiations to reduce frequent invasions by neighboring and even more distant powers. In the mid-15th century, probably in Venice, the sending of resident ambassadors began, who would remain in their posts until replaced.[62]

The Italian peninsula constituted a compact regional subsystem,[63] a fact that contributed to resident representatives negotiating in another state on behalf of their constituents. Gradually, these ambassadors became crucial for the city-states.[64] Resident diplomacy would be the most important innovation in the practice of that activity, as it ceased to be short-lived, became commonly accepted, and evolved so that sovereigns could rely on the agreements they promoted.[65]

In an atmosphere of changing alliances and dynastic struggles for power, resident diplomatic agents became a valuable source of information for sovereigns to prepare for action.[66] Venice, Milan, Florence, the Papacy, and Naples remained in an unstable equilibrium.[67] They were similar to the ancient Greek cities: an absence of outside threat, an equality of power, proximity and a linguistic and cultural infrastructure which made such communication effective.[68] However, the main Italian diplomatic activity would be centered on the Pope, in Rome, a city that, for that reason, would gather the first organized diplomatic corps.[69]

By 1400, diplomatic institutions were already highly developed, with rules for immunities, negotiations, and treaties.[70] In Milan, a chancellery

61 Nicolson, *Diplomacy*, 12.
62 Cohen, "Diplomacy through the Ages," 25.
63 Cohen, "Diplomacy through the Ages," 25.
64 Bjola and Kornprobst, *Understanding International Diplomacy*, 25.
65 Roberts, "Diplomacy—A Short History," 9.
66 Roberts, "Diplomacy—A Short History," 10.
67 Bjola and Kornprobst, *Understanding International Diplomacy*, 25.
68 Hamilton and Langhorne, *The Practice of Diplomacy*, 38-39
69 Freeman and Marks, "Diplomacy."
70 Bjola and Kornprobst, *Understanding International Diplomacy*, 24.

was created to gather received information, prepare instructions, and maintain archives. It would be the embryo of future foreign ministries.[71]

Portuguese diplomacy also became active in the 15th century. In 1494, just two years after Columbus's voyage to America, the government of Lisbon negotiated with Castile the Treaty of Tordesillas, which increased the limit of Portuguese "discovered and to be discovered" lands from 100 to 370 leagues from the Cape Verde archipelago.

Permanent embassies began to spread throughout Europe in the 16th century as they proved less costly than frequent itinerant embassies. In 1520, Thomas Cardinal Wolsey, Henry VIII's chancellor, would establish the English diplomatic service[72] and expand the number of resident embassies. The French king, Francis I, would adopt a similar measure.[73]

Envoys were considered personal representatives of one ruler to another. Due to the slowness of communications, they enjoyed ample freedom to act. As they did not have staff, ambassadors used the services of court secretaries who accompanied them on missions.[74] States, increasingly centralized, began to ensure direct control of consular offices and began to send consuls with some diplomatic functions, creating some confusion between the roles of diplomats and consuls, a situation that would persist until the 20th century.[75]

2.4. 17th Century

During the Thirty Years' War (1618-1648), innovations in diplomatic practices were developed. In Europe, a group of experienced, almost professional diplomats had emerged. Despite being unpaid and irregularly managed, diplomacy attracted, in the words of Mattingly, "curious and attentive minds."[76] In his book *De Iuri Belli et Pacis* (1625), the Dutch jurist

71 Bjola and Kornprobst, *Understanding International Diplomacy*, 25-26.

72 Freeman and Marks, "Diplomacy."

73 Hamilton and Langhorne, *The Practice of Diplomacy*, 46.

74 Freeman and Marks, "Diplomacy."

75 Lee and Quigley, *Consular Law and Practice*, 6.

76 Garrett Mattingly, *Renaissance Diplomacy* (London: Houghton Mifflin, 1955), 39-40, quoted in Hamilton and Langhorne, *The Practice of Diplomacy*, 65.

Grotius enunciated the concepts of sovereign states and equality among them, two ideas that would underpin the modern diplomatic system.[77]

Leading French diplomacy, Cardinal Richelieu, based on the conception that the international system in Europe consisted of a community of sovereign states,[78] declared that it was vital to "negotiate continually, openly, everywhere, even if no gain is obtained in the present or anticipated in the future."[79] For two hundred years after Richelieu, as Kissinger emphasized, France would be the most influential country in Europe.[80]

The Peace Conference in Westphalia would be the first major one in modern history, attended by representatives of all major European states, except England.[81] After the signing of the Peace Treaty (1648), the international system, until then dynastic, would adopt the principle of sovereign territories.[82] It would put an end to religious conflicts by guaranteeing religious minorities the right to practice their religions on the understanding that all parties to the Peace Treaties would respect such rights in exchange for territorial (sovereign) control.[83]

In a summary by Kissinger, the Peace of Westphalia "relied on a system of independent states refraining from interference in each other's domestic affairs and checking each other's ambition through a general equilibrium of power."[84] In his opinion, the idea of sovereignty would also be found in the writings of Hobbes, who, in "Leviathan" (1651), argued that peoples had granted rights to sovereigns in exchange for security within borders.[85]

77 Freeman and Marks, "Diplomacy."

78 Hamilton and Langhorne, *The Practice of Diplomacy*, 76.

79 Hamilton and Langhorne, *The Practice of Diplomacy*, 77.

80 Henry Kissinger. *Diplomacy* (New York: Simon & Schuster Paperbacks, 1994), 66.

81 Robert Cooper, *The Ambassadors: Thinking about Diplomacy from Machiavelli to Modern Times* (London: Weidenfeld & Nicolson, 2021), 42.

82 Bjola and Kornprobst, *Understanding International Diplomacy*, 27.

83 Fen Oler Hampson, Chester A. Crocker, and Pamela Aall, "Negotiation," in *The Oxford Handbook of Modern Diplomacy*, ed. Andrew Cooper, Jorge Heine, and Ramesh Thakur (Oxford: Oxford University Press, 2013), 319.

84 Henry Kissinger, *World Order* (London: Penguin Books, 2014), 3.

85 Kissinger, *World Order*, 31.

Thus, a new order of relations was established, marking the beginning of the era of classical European diplomacy, according to Roberts.[86] In the wake of Westphalia, *raison d'État* became relevant, according to Kissinger, to justify any means used to ensure its well-being.[87] With peace achieved, congress diplomacy began, during which, as a result of French prominence under the reign of Louis XIV, the French language began to become the language of diplomacy, replacing Latin, in which, incidentally, the Treaties of Westphalia would still be drafted.[88] By the end of the century, some diplomatic services began the practice of appointing and paying well-informed and experienced secretaries who did not accompany the ambassador when he left a post.[89]

2.5. 18th Century

In the 18th century, European diplomacy strove to maintain a balance among the five great powers of the time: England, France, Austria, Russia, and Prussia.[90] According to Kissinger, the doctrine of *raison d'État* had become the guideline not only of France but of all European diplomacy.[91] The new system would yield positive results. Thus, for example, eighty delegations gathered in Utrecht to end the War of the Spanish Succession (1712-1713).[92]

In that century, the use of the titles ambassador *extraordinary* or *plenipotentiary* to designate residents became more frequent, terms previously applied to those on special missions.[93] The expression "*diplomatic corps*" also began to be used to designate the set of diplomats accredited to a court in a capital.[94] A peace treaty signed in Aix-la-Chapelle (1748) included an article stating that the use of French as the language in the

86 Roberts, "Diplomacy—A Short History," 11.

87 Kissinger, *Diplomacy*, 58.

88 Roberts, "Diplomacy—A Short History," 82.

89 Hamilton and Langhorne, *The Practice of Diplomacy*, 82.

90 Freeman and Marks, "Diplomacy."

91 Kissinger, *Diplomacy*, 65.

92 Thierry Balzacq, Frédéric Charillon, and Frédéric Ramel, *Global Diplomacy: An Introduction to Theory and Practice,* trans. William Snow (London: Palgrave Macmillan, 2020), 60.

93 Hamilton and Langhorne, *The Practice of Diplomacy*, 69.

94 Hamilton and Langhorne, *The Practice of Diplomacy*, 76.

document should not prejudice the right of the parties to sign copies in other languages.[95]

Portuguese diplomacy in the 18th century would present relevant results for Brazil, then its colony, during the successful negotiation of the Treaty of Madrid (1750), which would give the future country the territory it had occupied beyond the Tordesillas limit. Its main negotiator was Alexandre de Gusmão, born in Brazil. He used the principle of *uti possidetis* as the basis of his argumentation, as well as proposed the exchange of territories occupied by the Spanish (the Philippines, Mariana Islands, and Moluccas) for areas north and west of Brazil. Because of his achievements, Gusmão is known as the grandfather of Brazilian diplomacy.

Several Enlightenment thinkers would opine on diplomacy. Voltaire, in 1751, praised the policy of European countries to maintain a balance of power among themselves, as far as possible.[96] The Swiss jurist Emmerich de Vattel defended, in 1758, that "each Nation possess both the right to negotiate and have intercourse with the others, and the reciprocal obligation to lend itself to such interaction."[97] However, at the end of the 18th century, the situation became unbalanced after the outbreak of the French Revolution and, above all, after Napoleon Bonaparte's military conquests throughout Europe.

2.6. 19th Century

The arrival of D. João VI in Brazil in 1808, fleeing from the Napoleonic invasion, in Cheilub's words, "prematurely endowed the country with a certain diplomatic activity."[98]

After the French defeat, the Congress of Vienna (1815) initiated a new phase of diplomacy in which decisions began to be collectively made by high representatives of the great powers, in what became known as the

95 Roberts, "Diplomacy—A Short History," 82.

96 Kissinger, *Diplomacy*, 67.

97 Roberts, "Diplomacy—A Short History," 12.

98 Zairo Borges Cheibub, "Diplomacia e Construção Institucional: o Itamaraty em uma perspectiva histórica," Pensamento Iberoamericano. *Revista de Economia Política*, no. 6, (December 1986): 115.

Concert of Europe.[99] It implied that nations which were competitive on one level would settle matters affecting overall stability by consensus.[100]

The balance of power among states remained an objective, but Vienna, according to Cooper, also brought the first multilateral settlement.[101] Diplomatic services, according to Roberts, would be recognized as a distinct profession within the scope of public service governed by their own internationally accepted codes.[102] The system, known as Metternich's, would survive for another hundred years.[103] Its most significant feature was making military conquest illegitimate. As noted by Holsti, inspired by the constitution of the French Revolution, the Final Act of Vienna declared that sovereignty could no longer be acquired by conquest, nor could it be transferred to the conqueror without the consent of the vanquished.[104]

During the Congress of Vienna, Portuguese diplomacy (based in Brazil) obtained the recognition of Brazil's elevation to the category of United Kingdom of Portugal and the Algarves.

The control of diplomacy would shift from the [royal] Court to the [ministerial] Cabinet.[105] In addition to the permanent arsenal of diplomatic methods, in Hamilton and Langhorne's view, a new weapon was added that granted governments collectively both the ability to share international authority and the opportunity to manage the international system.[106] Throughout the 19th century, as noted by Holsti, "the great powers developed a series of norms, protocols, and etiquette designed to prevent diplomatic conflicts from escalating into wars."[107]

After the Napoleonic wars, the new European system developed, as described by Hamilton and Langhorne, in a "unique" way in the history of

99 Hamilton and Langhorne, *The Practice of Diplomacy*, 89.

100 Kissinger, *Diplomacy*, 83.

101 Robert Cooper, *The Ambassadors: Thinking about Diplomacy from Machiavelli to Modern Times* (London: Weidenfeld & Nicolson, 2021), 109.

102 Roberts, "Diplomacy—A Short History," 12.

103 Kissinger, *Diplomacy,* 85.

104 K. J. Holsti, "The Diplomacy of Security," in *The Oxford Handbook of Modern Diplomacy*, ed. Andrew Cooper, Jorge Heine, and Ramesh Thakur (Oxford: Oxford University Press, 2013), 581-582.

105 Nicolson, *Diplomacy*, 34.

106 Hamilton and Langhorne, *The Practice of Diplomacy*, 89.

107 Holsti, "The Diplomacy of Security," 582.

diplomacy.[108] The Congress of Viena, in Kissinger's opinion, established a century of international order uninterrupted by a general war.[109] Already in 1816, at the proposal of the British Foreign Secretary, Castlereagh,[110] a permanent conference of ambassadors was established in Paris to oversee the implementation of the peace treaty with France.[111] During that period, the British began their diplomatic offensive against the slave trade. The British, as recalled by Hamilton and Langhorne, initiated their diplomatic offensive against slavery "mainly, though but not exclusively, on the basis of bilateral treaties, as a result of which mixed commission courts, appointed by the signatory governments, were created to adjudicate the fate of ships detained on suspicion of slaving."[112]

After 1822, Brazilian diplomacy negotiated the recognition of independence, accepted by Portugal only in 1825, through British mediation. The agreements included commitments to abolish the slave trade.[113]

The Concert of Europe, known as the Great Power system of consensus,[114] held twenty-six conferences between 1822 and 1914. For example, in 1824, ambassadors met in Paris and Madrid to discuss the French military intervention in Spain, and in St. Petersburg to examine Russian efforts to hold a congress in the Near East. Three years later, Great Britain, France, and Russia attempted to mediate the Greco-Turkish conflict, an effort that resulted in the creation of a permanent forum for this purpose in London. A conference was also held in the British capital to address issues of Belgian borders after its independence (1830-1839), as well as meetings (1852 and 1884) to examine the Schleswig-Holstein question, a dispute between Austria, Prussia, and Denmark.[115] It became clear, in Roberts's opinion, that diplomacy "should not be practiced in

108 Hamilton and Langhorne, *The Practice of Diplomacy*, 93.

109 Kissinger, *Diplomacy*, 77.

110 Kissinger, *Diplomacy*, 88.

111 Hamilton and Langhorne, *The Practice of Diplomacy*, 97.

112 Hamilton and Langhorne, *The Practice of Diplomacy*, 101.

113 Fernando de Mello Barreto, "A abolição da escravidão no contexto internacional," *Cadernos do CHDD*, 21, no. Especial (2022), 189-220.

114 Roberts, "Diplomacy—A Short History," 12.

115 Hamilton and Langhorne, *The Practice of Diplomacy*, 97-98.

the interests, not of a dynasty, nor even an aristocracy, but in that of a nation."[116] This concept of diplomacy as the representation of states and their permanent interests, and not just the government of the moment, would be controversial thereafter, with career diplomats on one side and elected politicians on the other.

Diplomacy also benefited during this period from the installation of telegraph cables between major urban centers, especially in London, Paris, and Berlin (1853).[117] The telegraph separated communication from transportation, as for the first time, there was no longer a need to carry the message by vehicle or messenger.[118] Upon receiving the first telegram in 1860, the British Foreign Secretary, Palmerston, is said to have exclaimed, "My God, this is the end of diplomacy!"[119]

However, there was a brief break in peace under the Concert of Europe when in 1854, the Great Powers went to war for the first time since the Napoleonic Wars, after the outbreak of the Crimean War.[120] The conflict caused a rupture in unity between Austria, Prussia, and Russia, one of the pillars of the international order established in Vienna.[121] The Congress of Paris (1856), which concluded it, gave impetus to the codification of international law. Also, because of that conflict, an entity that would become the International Red Cross (1863) was created, one of the first non-governmental international agencies. Still during this period of international rapprochement, a meeting of the Congress of Paris created the ITU (1865).

Britain—the dominant power in the 19th century—would, as noted by Kissinger, adopt its national interest as its policy above the idea of balance of power in Europe.[122] In a demonstration of this new concept, Palmerston would assert: "We have no eternal allies, and we have no

116 Roberts, "Diplomacy—A Short History," 13.

117 Hamilton and Langhorne, *The Practice of Diplomacy*, 137.

118 Jovan Kurbalija, "The Impact of the Internet and ICT on Contemporary Diplomacy," in *Diplomacy in a Globalizing World*, ed. Kerr and Wiseman (Oxford: Oxford University Press, 2013), 141.

119 Kurbalija, "The Impact," 142.

120 Kissinger, *World Order*, 72.

121 Hamilton and Langhorne, *The Practice of Diplomacy*, 98.

122 Kissinger, *Diplomacy*, 95.

perpetual enemies."[123] Britain's actions earned it the epithet "Perfidious Albion" for reflecting a less elevated attitude in foreign policy. This British posture would also reveal strains in the Metternich system.[124]

Resistance to external pressures for the abolition of the slave trade, especially British pressure, required the attention of Brazilian diplomacy. Diplomatic relations between Brazil and Great Britain were severed amidst the so-called Christie Affair (1862-1865).[125]

Most overseas posts were not embassies, but legations headed by ministers. The elevation of a legation to embassy status resulted from mutually agreed political decisions and was associated with the political status of each country. For example, Great Britain elevated its legation in Vienna to embassy status in 1860, and that in Washington only in 1893.[126]

The methods of European diplomacy began to be disseminated worldwide as the countries of that continent expanded their network of missions abroad and deepened relations with more distant countries, as well as deepening the process of colonization, especially in Africa.[127] As a reflection of political changes, kings began to be replaced by foreign ministers in diplomatic conferences,[128] and public opinion began to concern diplomacy.

At the end of the 19th century, in disregard of the European diplomatic system, some territorial changes were not submitted to the great powers. Among these, the emergence of the Kingdom of Italy (1861) and the formation of the German Empire (January 1871) would stand out. Three months after this second event, a protocol of the six great powers signed in London reiterated that treaties could not be altered without the consent of all signatories.[129]

The foreign policy adopted by Bismarck, known by the term *Realpolitik*, would be based on calculations of power and national interest, which,

123 Kissinger, *Diplomacy,* 96.

124 Kissinger, *Diplomacy*, 98.

125 Mello Barreto, "A abolição da escravidão" 189-220.

126 Nicolson, *Diplomacy*, 100.

127 Hamilton and Langhorne, *The Practice of Diplomacy*, 99.

128 Freeman and Marks, "Diplomacy."

129 Hamilton and Langhorne, *The Practice of Diplomacy*, 99.

according to Kissinger, enabled the unification of Germany.[130] For British Prime Minister Disraeli, the balance of power in Europe was destroyed during the Franco-Prussian War (1870-1871).[131] However, as Kissinger observed, the conflict was limited to only two adversaries and did not escalate, unlike the Crimean War, which was a general European war.[132]

Diplomacy would also present other characteristics. After the creation of the Universal Postal Union (1874), the number of specialized agencies increased. Communication systems continued to advance to such an extent that Queen Victoria is said to have declared in 1876, "the time for ambassadors and their pretensions [was] past."[133] However, this did not happen. The Berlin Conferences (1878 and 1884-85) avoided major conflicts with the Ottomans in Africa, for example. In fact, diplomatic issues increasingly revolved around imperialism on that continent.[134] Britain sought a multilateral agreement to abolish the slave trade, and between 1889 and 1890, the issue, along with arms trafficking, was addressed at an intergovernmental conference in Brussels.[135]

European diplomats would continue to be influential and optimistic, as noted in the periodic report of the Quai d'Orsay in 1890, which stated that "the field of diplomacy is truly unlimited. No human interest is foreign to it."[136] At the end of the century, a French ambassador would say to his minister: "An ambassador is not a subaltern charged with executing instructions, he is a collaborator who must always, even at the risk of displeasing, explain himself freely on questions that are seen in Paris only from one viewpoint."[137]

Despite diplomatic progress, in Kissinger's opinion, the concept of balance of power had reached the end of its potential.[138] For example, in a military convention signed in 1894, France agreed to support Russia if

130 Kissinger, *Diplomacy,*137.
131 Kissinger, *Diplomacy,* 134.
132 Kissinger, *Diplomacy,* 79.
133 Hamilton and Langhorne, *The Practice of Diplomacy*, 137.
134 Hamilton and Langhorne, *The Practice of Diplomacy*, 99.
135 Hamilton and Langhorne, *The Practice of Diplomacy*, 101.
136 Hamilton and Langhorne, *The Practice of Diplomacy*, 139.
137 Hamilton and Langhorne, *The Practice of Diplomacy*, 138.
138 Kissinger, *Diplomacy,* 167.

it were attacked by Germany or Austria in combination with Germany. Russia would support France in the event of an attack by Germany or by Germany in combination with Italy.[139]

In that decade, there was an increase in official visits by monarchs, presidents, and other dignitaries to foreign capitals and ports. Although largely ceremonial, they offered opportunities for diplomatic discussions and negotiations. In this context, regents of Austria, Prussia, and Russia engaged in extensive dynastic diplomacy.[140] Shortly thereafter, the Peace Conferences held in The Hague (1899-1907) would promote the codification of laws relating to wars and encourage disarmament.

2.7. 20th Century

One of the main outcomes of the Hague Conferences would be the establishment of the Permanent Court of Arbitration in 1904. At the second conference in 1907, forty-four participants attended, including sixteen from Latin America. According to Groom, it was considered the "first conference to have some resemblance to an international legislature."[141]

At the Peace Conference held in The Hague in 1907, the Brazilian representative, Ruy Barbosa, played a prominent role. During a debate on the criteria for selecting judges for the Permanent Court of Arbitration, Barbosa advocated for the principle of equality among states, arguing that it was a matter of universal interest. In his own assessment, the debate "showed the powerful the necessary role of the weak in the development of international law."[142]

In the early 20th century, faster communication, increased involvement in trade, and especially the advent of typewriters and mimeographs contributed to a significant increase in the number of diplomatic reports. However, governments and diplomats did not place trade and the

139 Kissinger, *Diplomacy*, 181.

140 Hamilton and Langhorne, *The Practice of Diplomacy*, 134.

141 F. S. Northhedge, *The League of Nations: Its Life and Times, 1920-1946* (Leicester: Leicester University Press, 1988), 6, quoted in A. J. R. Groom, "Conference Diplomacy," in *The Oxford Handbook of Modern Diplomacy*, ed. Andrew Cooper, Jorge Heine, and Ramesh Thakur (Oxford: Oxford University Press, 2013), 265.

142 Celso Lafer, "Rui em Haia, cem anos," accessed August 7, 2024, https://www.academia.org.br/artigos/rui-em-haia-cem-anos.

economy at the center of international relations. In fact, according to Pigman, many, if not most, traditional diplomats historically disdained commercial diplomacy.[143]

Between 1902 and 1912, Brazilian diplomacy, led by José Maria da Silva Paranhos Jr. (known as the Baron of Rio Branco, although the country had already ceased to be a monarchy), achieved wide and recognized diplomatic success by negotiating borders with neighboring countries in South America.

In 1912, the President of France, Raymond Poincaré, declared that if Russia went to war, France would also go, and added that Germany would support Austria.[144] Such alliances continued to prevent the traditional Concert of Europe diplomacy to work.[145] Thus, the much-invoked European equilibrium had turned, in Kissinger's words, into "a battle to the death."[146]

2.7.1. World War I

After the assassination of the Austrian heir to the throne by a Serbian (1914), conflict was imminent between, on one side, Germany, and the Austro-Hungarian Empire, and on the other, the Triple Entente, composed of France, Russia, and Great Britain. According to Kissinger, the need for all allies to mobilize simultaneously had become so urgent that it turned into "the keystone of solemn diplomatic agreements."[147] The military demanded quick mobilization, and diplomacy followed its traditional steps, unable to resolve the crisis under time pressure.[148]

World War I began, in Kissinger's opinion, not because European countries broke their treaties but because they fulfilled them to the letter.[149] In his view, by the end of the first decade of the 20th century, for practical purposes, the Concert of Europe, which had maintained peace

143 Geoffrey Allen Pigman, "Debates about Contemporary and Future Diplomacy" in *Diplomacy in a Globalizing World*, ed. Pauline Kerr and Geoffrey Wiseman (Oxford University Press, 2013), 79.

144 Kissinger, *Diplomacy*, 199.

145 Kissinger, *Diplomacy*, 200.

146 Kissinger, *Diplomacy*, 204.

147 Kissinger, *Diplomacy*, 202.

148 Kissinger, *Diplomacy*, 201.

149 Kissinger, *Diplomacy*, 211.

for centuries, had "for all practical purposes ceased to exist."[150] The pursuit of a balance of power would be replaced by an arms race.[151] In Kissinger's words, confrontation became the "standard method of diplomacy," and the "balance of power had degenerated into hostile coalitions whose rigidity was matched by the reckless disregard for consequence with which they had been assembled."[152] According to his reasoning, if the Europeans had continued previous diplomatic practices, they could have reached a compromise peace in 1915.[153] But they did not even attempt a cooling-off period, as was done in the European Congress.[154] As depicted by Hamilton and Langhorne, "the outbreak of the First World War brought an end to forty-three years of peace among the great powers of Europe."[155]

At the end of the conflict, a new phase of world diplomacy would begin, as the previous one was criticized for failing in its attempts to maintain peace. Among the shortcomings highlighted was the use of secret diplomacy. Woodrow Wilson presented his famous Fourteen Points for Peace in 1918, the first of which stated that diplomacy should "always proceed frankly and in the view of the public." However, at the Paris Conference in 1919, faced with European resistance, Wilson had to retract his promise of an "open conference" and accept pressure from the Great Powers for plenary sessions to be conducted behind closed doors, in a format that would later be seen as an early example of summit diplomacy.[156] The President of the United States did manage, however, to partially achieve his goal because the conference required treaties to be registered with the League, that is, made public, before becoming binding.[157]

The Conference adopted many of the procedures of the Congress of Vienna, including the differentiation between "powers with general interests" and "powers with special interests," private meetings of heads

150 Kissinger, *Diplomacy*, 168.
151 Kissinger, *Diplomacy*, 169.
152 Kissinger, *Diplomacy*, 194.
153 Kissinger, *Diplomacy*, 219.
154 Kissinger, *Diplomacy*, 217.
155 Hamilton and Langhorne, *The Practice of Diplomacy*, 139.
156 Hamilton and Langhorne, *The Practice of Diplomacy*, 159.
157 Freeman and Marks, "Diplomacy."

of delegations from major powers, and the subsequent convening of an Ambassadorial Conference in Paris.[158] Representatives of national entities seeking independence were heard in hearings.[159]

After a discussion between the French Foreign Minister, Stephen Pichon, President Wilson, and Prime Minister Lloyd George, in January 1919, French and English were accepted as having parity and adopted as official languages at the Versailles Peace Conference and later at the League of Nations.[160]

The Brazilian delegation at the Paris Conference (Versailles) defended and obtained a favorable decision on its claims for the readjustment of the value of coffee deposited in German banks[161] and for the retention of German ships during the war.[162] Brazil seemed to enjoy some international prestige. For example, Britain elevated its representation from the category of legation to embassy in 1919, ahead of Lisbon and Buenos Aires (both in 1924).[163]

Another criticism of pre-war diplomacy was that communication between leaders of countries had failed, leading to the conviction that holding meetings could serve as a tool to manage international crises and preserve peace. According to Roberts, besides transparency, there was "a yearning for an international organization to settle disputes and deter those seeking to impose their will by force."[164]

The founding document of the League of Nations—the Covenant of the League of Nations—did not allow member states to go to war against each other without first exhausting the arbitration and conciliation procedures of the new organization. Furthermore, it prohibited wars of conquest. The use of force would only be considered legitimate in self-defense and under certain conditions.

158 Freeman and Marks, "Diplomacy."

159 Freeman and Marks, "Diplomacy."

160 Roberts, "Diplomacy—A Short History," 83.

161 Fernando de Mello Barreto, *Os Sucessores do Barão. 1912-1964* (São Paulo: Editora Paz e Terra, 2001), 59.

162 Mello Barreto, *Os Sucessores do Barão*, 60.

163 Nicolson, *Diplomacy*, 100.

164 Roberts, "Diplomacy—A Short History," 15.

In addition to these fundamental innovations, the League of Nations would not only be the first permanent international organization created, as desired, to facilitate the peaceful settlement of disputes[165] but also the pioneer in creating a secretariat and having permanent civilian officials. It introduced parliamentary diplomacy in two-chamber body: an assembly in which states had equal rights and a council with supreme powers.[166] The latter, as initially conceived, was to be composed of representatives of the five main allies plus those of four other powers, in the tradition of the European States system.[167] With the non-ratification of the Treaty of Versailles by the US Senate, the number of the first group was reduced to four members.[168] The powers of the League would, however, be very limited as the sovereignty of each member country would prevail. The new organization would be more successful, according to Freeman, in sponsoring specialized conferences on economic and disarmament issues, among others.

New international agencies would be created. For example, the International Labour Organization—ILO (1919) and a Mandates Commission that would exercise oversight, albeit superficially, of colonies previously belonging to defeated powers in the First World War that had been distributed to victorious countries.[169]

Diplomatic meetings would continue to be secret, whether in the League of Nations, in the summits of the 1920s, or in specialized agencies, with emphasis on the International Court of Justice—ICJ (1921). The results were announced only at the end of the negotiations. According to Kissinger, the style of diplomacy changed after World War I. Since then, "the trend toward the personalizing relations accelerated."[170]

With evident concerns for the maintenance of peace, diplomacy was occupied with the negotiation of some treaties. Thus, in 1923, a universal treaty of mutual assistance empowered the League Council

165 Hamilton and Langhorne, *The Practice of Diplomacy*, 162.

166 Freeman and Marks, "Diplomacy."

167 Hamilton and Langhorne, *The Practice of Diplomacy*, 163.

168 Hamilton and Langhorne, *The Practice of Diplomacy*, 163-164.

169 Freeman and Marks, "Diplomacy."

170 Kissinger, *Diplomacy*, 276.

to designate which country was the aggressor and which the victim.[171] The following year, the Geneva Protocol required League arbitration for all international conflicts.[172] In 1925, it was the turn of the Locarno Pact, perhaps the most relevant, by which, among other exchanges of concessions, Germany joined the League of Nations and took a permanent seat on its Council.[173] This was followed by the Kellogg-Briand Pact (1928), in which fifteen signatory countries renounced war and committed to settle all their disputes by peaceful means.[174]

Germany's entry into the League of Nations would have an impact on Brazilian action in that organization. Having failed to achieve its goal of obtaining a permanent seat on the Council, Brazil left the League in 1926, preventing Brazilian diplomacy from continuing to have multilateral experience in the main forum for addressing international peace and security issues until the creation of the UN two decades later.[175]

One feature of diplomatic practice in the 1930s, as pointed out by Hamilton and Langhorne, was the use made by governments of unofficial and non-diplomatic intermediaries.[176] Bankers, businessmen, and others with international contacts served governments to bypass diplomatic channels of communication, especially during crises.[177] Another innovation was the merger of the diplomatic and consular careers.[178] Military, commercial, financial, and press *attaché* positions also emerged.[179]

In the late 1920s and early 1930s, the issues occupying European diplomacy concerned war reparations, disarmament, and military parity, which overshadowed discussions on the balance of power and prevented progress in the concept of collective security.[180] The assumption of power by totalitarian world leaders Mussolini (1922) and Stalin (1924) would

171 Kissinger, *Diplomacy*, 253.
172 Kissinger, *Diplomacy*, 254.
173 Kissinger, *Diplomacy*, 274.
174 Kissinger, *Diplomacy*, 274.
175 Mello Barreto, *Os Sucessores do Barão*, 71-78.
176 Hamilton and Langhorne, *The Practice of Diplomacy*, 171.
177 Hamilton and Langhorne, *The Practice of Diplomacy*, 172.
178 Hamilton and Langhorne, *The Practice of Diplomacy*, 173.
179 Hamilton and Langhorne, *The Practice of Diplomacy*, 173.
180 Kissinger, *Diplomacy*, 279-286.

be added to by Hitler's (1933). These autocratic leaders, as observed by Freeman, would negatively affect the development of diplomacy, as they rarely followed established rules and practices or negotiated with a willingness to reconcile.[181]

The composition of the League would change with Japan's departure (1931), after being criticized for the invasion of Manchuria; Germany's, after the rise of Nazism (1933); and Italy's expulsion (1937) for invading Ethiopia two years earlier. Nonetheless, in 1937, there were forty-six permanent delegations in Geneva, organized into a diplomatic corps with a dean chosen by election.[182] However, in that decade, many issues would be addressed not by the League, but by the conference of ambassadors of the main allies in Paris and by ad hoc meetings of their leaders.[183]

In the years immediately preceding the Second World War, alliances were negotiated, non-aggression treaties were signed, naval agreements were made, forms of collective security and economic sanctions were analyzed.[184] Faced with the threat from Germany (which annexed Austria in March 1938), the diplomatic discussion shifted to disarmament, reconciliation, and ultimately appeasement, the latter defined by Haas as the "adopting a policy of granting concessions to an ambitious, aggressive country in the hopes its appetite can be satisfied and it will then cease to be aggressive."[185] This policy would be symbolized by Chamberlain's direct action with Hitler in Berchtesgaden (August) and again in Munich (September). From this second meeting, besides Hitler and Chamberlain, the heads of government of France (Daladier) and Italy (Mussolini) also participated.[186]

On August 20, 1939, Hitler proposed to Stalin a protocol that would satisfy the territorial aspirations of the Soviet Union.[187] A "diplomatic

181 Freeman and Marks, "Diplomacy."

182 Hamilton and Langhorne, *The Practice of Diplomacy*, 164.

183 Hamilton and Langhorne, *The Practice of Diplomacy*, 166.

184 Kissinger, *Diplomacy*, 296-299.

185 Richard Haas, *The World. A Brief Introduction* (New York: Penguin Books, 2021), 23.

186 Kissinger, *Diplomacy*, 312-313.

187 Kissinger, *Diplomacy*, 346.

revolution," in Kissinger's words,[188] occurred when, just three days after the proposal, Germany and the Soviet Union signed a non-aggression treaty (Molotov-Ribbentrop Pact). By a secret protocol, joint occupation of Poland, Soviet occupation of the Baltic countries, Finland, and Bessarabia were agreed upon. With this surprising diplomatic move, Moscow gained time to prepare for a probable conflict with Berlin, while expanding its territorial influence.

On September 1, Germany invaded Poland. Two days later, Britain, France and New Zealand declared war on Germany. The second world conflict would begin. For Haas, the conflict resulted from "failures of diplomacy, a reemergence of strident nationalism, a rise in protectionism, and a failure to maintain a balance of power."[189]

2.7.2. World War II

The Tripartite Pact between Germany, Italy, and Japan, concluded in September 1940, would be one of the first diplomatic documents signed shortly after the beginning of World War II. It did not include the Soviet Union among the signatory parties (although it still maintained a non-aggression pact with Germany) and required Japan to go to war against the United States if they did the same with Germany.[190]

In June 1941, breaking the Bilateral Non-Aggression Pact, Germany invaded the Soviet Union in the military operation called Barbarossa. In December, after Japan bombed Pearl Harbor, the United States, in an immediate reaction, declared war. Among many measures after joining the global conflict, the Washington government approved a loan (Lend-Lease) for the Soviet Union to face Germany. The two main groups of countries in the conflict would be formed: on one side, the Axis powers (Germany, Japan, and Italy), and on the other, the Allies (United Kingdom, United States, and Soviet Union).

188 Kissinger, *Diplomacy*, 347.

189 Haas, *The World*, 255.

190 Kissinger, *Diplomacy*, 356.

Throughout the war, various voices in the allied countries expressed the need for a more efficient international system than the League of Nations.[191] The deficiencies of secret diplomacy were no longer mentioned,[192] nor the idea of a balance of power.[193] According to Kissinger, for Roosevelt, peace would be preserved by a system of collective security maintained by the wartime Allies.[194] The President of the United States wanted, according to Hamilton and Langhorne, an organization in which for several years to come executive power would be in the hands of also Great Britain, the United States, the Soviet Union, and China. These countries would form a board of directors of a global concert.[195] The most important clauses of what would become the UN Charter were negotiated among Roosevelt/Truman, Stalin, and Churchill in Tehran, Yalta, and Potsdam.[196]

Diplomacy during the war would be intense and carried out mainly through summit meetings among the Allies or conferences focused on specific topics. At the Tehran Conference (1943), military decisions were made against Germany (including the invasion of France) and others regarding Germany's future eastern borders. The agreements at Bretton Woods (July 1944) created the International Monetary Fund—IMF and the International Bank for Reconstruction and Development—IBRD, which would later be known simply as the World Bank. At Dumbarton Oaks (August 1944), representatives of France, China, Great Britain, the United States, and the Soviet Union drafted the Charter. The Yalta Conference (February 1945) dealt with the division of spheres of influence among the Allies.

From the perspective of diplomacy, the San Francisco Conference (April-June 1945) stood out, during which fifty-one nations represented at the meeting signed the UN Charter, to enter into force when ratified by the governments of the five countries that would be permanent members of the UNSC and by the majority of the other forty-six signatory countries.

191 Roberts, "Diplomacy—A Short History," 16.

192 Hamilton and Langhorne, *The Practice of Diplomacy*, 196.

193 Kissinger, *Diplomacy*, 391.

194 Kissinger, *Diplomacy*, 395.

195 Hamilton and Langhorne, *The Practice of Diplomacy*, 197.

196 Cooper, Heine, and Thakur, "Introduction," 5.

The principles that would govern the UN would include Westphalian principles of "sovereign equality of States" and "non-intervention" in the affairs of other member States, as well as those inherited from the League of Nations, namely, "peaceful settlement of disputes" and "non-use of force." In Wiseman and Basu's words, "the UN's design reflected a world of great powers, as the primary means to keep the peace, even if there is disagreement about the motives of those powers."[197] In the UNGA, the sovereignty of States would be respected, with each country having one vote. In the UNSC, however, there would be only five permanent members (China, Soviet Union, France, United Kingdom, and United States), with veto power.

After the end of the conflict, the Potsdam Conference (July-August 1945) determined the end of German annexations, established the conditions of the German occupation, addressed war criminal trials, set borders, and agreed on reparations.

In the early meetings of the UN, the Brazilian performance under the leadership of Ambassador Oswaldo Aranha at the UN, particularly his role in the presidency of the UNGA, which determined the creation of the State of Israel, stood out.[198]

2.7.3. The Cold War

Following the global conflict, the United States adopted the Truman Doctrine of containing Moscow's influence (1947). The most visible concrete measure would be the creation of NATO (1949), of which there were twelve founding countries: two from North America (United States and Canada) and ten from Western Europe (United Kingdom, Belgium, Denmark, France, Iceland, Italy, Luxembourg, Netherlands, Norway, and Portugal).

The most challenging task of the UN in its early existence would be to prevent conflicts during the Cold War, since the confrontation between the two major world powers permeated many international conflicts.

197 Geoffrey Wiseman and Soumita Basu, "The United Nations," in *Diplomacy in a Globalizing World*, ed. Pauline Kerr and Geoffrey Wiseman (Oxford University Press, 2013), 322.

198 Mello Barreto, *Os Sucessores do Barão*, 172.

The main crises of the initial phase included the Berlin Blockade (1948) and the Korean War (1950/1953). In this context of polarization, the Soviet Union would form the Warsaw Pact (1955), along with seven other Eastern European countries (Poland, Albania, Hungary, Bulgaria, Romania, Czechoslovakia, and East Germany). Another parallel movement, that of decolonization, would be the subject of the Bandung Conference (1955), during which twenty-nine Asian and African countries were seen as a Third World, opposed to the bipolarization between two superpowers.

To critics of the UN's inaction, UN Secretary-General Dag Hammarskjöld responded with the proposal that controversies escalate to conflicts.[199] Such action, he added, "complemented the normal diplomatic machinery of governments."[200] After approval by the UNSC, international forces would be mobilized for peacekeeping. The first would be sent during the Suez Crisis (1956), involving troops from various countries (Canada, Brazil, Colombia, Denmark, Finland, India, Indonesia, Yugoslavia, Norway, and Sweden).

The independence movements in the colonies demanded specialists in economic development to deal with cooperation amidst the "proxy war" of the two major nuclear powers. Simultaneously, divisions between East and West and those between North and South developed.[201] Blocks or groupings of countries would emerge, such as the Non-Aligned Movement (1961), inspired by the principles of Bandung, which met in Belgrade with the participation of the leaders of Yugoslavia, India, and Indonesia.

After the Cuban Missile Crisis (1962), the need to prevent a nuclear conflict intensified. Diplomatic and summit meetings began to address arms races, disarmament, and crisis management. As Haas observed, diplomacy between the two major powers was not limited to arms control. There was "normal diplomatic interaction via embassies and consulates." The respective ambassadors "had access to the most senior level of each other's governments, as did visiting ministers."[202] He emphasized that

199 Wiseman and Basu, "The United Nations," 326.

200 Freeman and Marks, "Diplomacy."

201 Freeman and Marks, "Diplomacy."

202 Haas, *The World*, 37.

there "was regular summitry involving the leaders of the two countries." He concluded that their "rivalry was bounded."[203]

The Soviet Union and the United States competed for influence in Latin America, the Middle East, and the newly decolonized states of Africa and Asia. Developing countries, in turn, would gather in the Group of 77 (June 1964) and seek the creation of UNCTAD—UN Conference on Trade and Development (December 1964).[204]

The Cold War would be evident when the Soviet Union invaded Czechoslovakia to suppress the movement known as the Prague Spring (1968), while the US faced internal and external opposition to its involvement in the Vietnam War (1965-1973). According to Freeman, the UN would be more successful in resolving minor and specialized issues than North-South or East-West disputes. Although specialized agencies were also impacted by propaganda, they at least provided a forum for technical contacts, including those established to address issues such as health, education, science, development, among others, particularly in the UN system.

Developing countries, increasingly in number, reinforced regional entities, such as the Organization of African Unity—OAU (1963-2002) and the Arab League (1945).[205] Representatives of aspiring peoples to become states also emerged in diplomatic circles, with some of them obtaining observer status in international forums, as was the case with the PLO (1964) and the SWAPO (1960).[206]

An important shift in world diplomacy occurred in the early 1970s when the United States, to end the Vietnam War, opened contacts with communist China. Washington would use secret diplomacy to negotiate peace in that conflict.[207] The decade would witness the separation of diplomacy between the North and the South, which would take different paths. On one side, the G77 obtained UN approval for a resolution on the creation

203 Haas, *The World,* 38.

204 Barston, *Modern Diplomacy,* 9.

205 Barston, *Modern Diplomacy,* 9.

206 Freeman and Marks, "Diplomacy."

207 Roberts, "Diplomacy—A Short History," 17-18.

of a New International Economic Order (1974). On the other side, the largest economies would meet to create the Group of Seven—G7 (1976), composed of the United States, Japan, Germany, France, the United Kingdom, Italy, and Canada.

As Haas observed, the Soviet Union and the United States, despite being in a cold war, had evolved into peaceful coexistence because they avoided open conflict.[208] The decade would also witness a period known as *détente*, marked by talks on arms limitation between the United States and the Soviet Union. However, the truce would end in the late 1970s with the start of the war between the Soviet Union and Afghanistan, when Washington increased pressure on Moscow. In the mid-1980s, Soviet leader Mikhail Gorbachev introduced liberalizing reforms of glasnost ("openness") and perestroika ("restructuring") and ended Soviet military involvement in Afghanistan.

2.7.4. The Post-Cold War

Taking advantage of the weaknesses of the Soviet Union, the countries within its orbit intensified pressures for autonomy. In 1989, a wave of revolutions began that peacefully overthrew all communist governments in Central and Eastern Europe. By the time the Berlin Wall fell, there were already more than 7,000 diplomatic missions spread across the world, mostly embassies.[209]

When Iraq invaded Kuwait in August 1990, the United States, in Haas' words, "worked through the UN and put together an international coalition that ultimately defeated Iraq, forcing it to leave Kuwait."[210] This would be one of the few cases of approval for the use of force by the UNSC, that is, without veto by one of its five permanent members.

After the dissolution of the Soviet Union (1991), the Baltic states regained their independence, and new states emerged from Russia's withdrawal from Eastern Europe, the Caucasus, and Central Asia. Numerous international and regional organizations began to have ambassadors.

208 Haas, *The World,* 40.

209 Freeman and Marks, "Diplomacy."

210 Haas, *The World. A Brief Introduction,* 46.

NATO, as Haas noted, faced a dilemma: "with its main threat now gone, the alliance could have been dissolved, but its members decided to maintain and expand it." In his opinion, the rationale was to preserve NATO as "a hedge against future uncertainties, above all the emergence of a Russian threat, and to help the new members democratize and professionalize their militaries."[211]

One of the characteristics of post-Cold War diplomacy would be, according to Barston, the continued fusion of domestic and foreign policies, given the number of issues that became the subject of international negotiations.[212] The increase in the number of multilateral organizations and the high number of countries that became independent since the beginning of the decolonization process led smaller states to concentrate their limited diplomatic resources on acting within the main international entities and through them achieve their most immediate national interest objectives. There were changes in country groups and in the connections between them. In part, the changes resulted from the collapse of communism, internal pressures, and what Barston called the "loosening of the international system," referring to the decrease in tensions resulting from the end of the Cold War. Still, in that author's view, two themes would be interconnected: "the shift in the axis of political and economic power, particularly the economic rise of the PCR [People's Republic of China], and the fluidity of international groupings."[213]

Multilateral diplomacy would, in the early 1990s, experience moments of success in achieving international consensus. In the South American regional context, MERCOSUR (1991), a customs union between Argentina, Brazil, Paraguay, and Uruguay, was established. At the Rio de Janeiro Conference on Environment and Development (1992), several agreements were reached. In 1995, the World Trade Organization—WTO was created, replacing the GATT, and the debate on the primacy of regional initiatives over global governance began.[214] Under the influence of the OECD, the issue of establishing a MAI (1995-1997) was addressed. Russia

211 Haas, *The World*, 44.

212 Barston, *Modern Diplomacy*, 10.

213 Barston, *Modern Diplomacy*, 119.

214 Barston, *Modern Diplomacy*, 139.

was admitted as a member of the G7 (1998), which was renamed the G8. Gradually, the diplomatic practice of this group would undergo significant changes, including in terms of protocol, agenda setting, meeting location, implementation, and membership.[215]

2.8. 21st Century

In 2000, the UN already had 189 member states.[216] New topics would emerge for diplomatic treatment, including terrorism, organized crime, drug trafficking, immigration flows, refugees, and the protection of human rights.[217] In Barston's opinion, the G77 and UNCTAD lost much of their *raison d'être*, the first "through competing interests and increasingly unwieldy size" and the latter for its ineffectiveness "as a vehicle for trade and development reform."[218]

In the early years of the new century, there were already thousands of non-governmental organizations (NGOs) admitted as observers in specialized agencies of the UN and other international organizations. New actors (including multilateral institutions, global firms, and civil society organizations) and diplomatic venues (such as the World Economic Forum) reflected a diverse "diplomatic" activity different from that exclusively practiced by ambassadors of nation-states, either bilaterally or in multilateral conferences.[219]

At the WTO, multilateral diplomacy would achieve a positive outcome with the conclusion of the Doha Round (2001), but, regionally, negotiations for the creation of a Free Trade Area in the Americas (FTAA) would fail (2004). New groups would form among rising economies like IBSA, composed of three democratic countries and regional leaders, namely, India, Brazil, and South Africa (2003), where, in Rana's opinion, "each member is geographically distant from the others, but each has a self-perception of a leading role on its continent, and some congruity

215 Barston, *Modern Diplomacy*, 120.

216 Barston, *Modern Diplomacy*, 9.

217 Freeman and Marks, "Diplomacy."

218 Barston, *Modern Diplomacy*, 9.

219 Paul Sharp, "Diplomacy in International Relations Theory and Other Disciplinary Perspectives," in *Diplomacy in a Globalizing World*, ed. Pauline Kerr and Geoffrey Wiseman (Oxford University Press, 2013), 73-74.

in the positions each takes on major international issues,"[220] and BRIC, initially consisting of Brazil, Russia, India, and China (2005).

In 2005, following events such as the Rwanda genocide a decade earlier, the UN General Assembly voted in favor of the concept that, in Haas's words, "sovereign governments must provide a degree of physical and economic security to their own citizens" and that "when they are unwilling or unable to do so, other countries (with the UNSC approval) gain the authority to intervene to protect those citizens and restore order."[221] It would be the creation of the so-called Responsibility to Protect, which could be defined as the responsibility, derived from sovereignty, to ensure that populations are not victims of mass atrocities and violations of human rights.

After the financial crisis of 2008, efforts were made to create governance between the G7 and the total membership of UN agencies, resulting in the establishment of the G20 (2008) and the growth of "parallel diplomacy," that is, one that, in Barston's definition, "involves the establishment of separate and competing institutions to existing organizations, in order to control political processes in conflict or create new and competing centers of power,"[222] such as regional organizations to deal with trade instead of the WTO or the creation of the G20 instead of exclusively financial treatment at the IMF.[223]

BRIC would hold regular meetings of foreign ministers, usually during the UN General Assembly. An annual summit began in 2010.[224] The following year, South Africa joined the group, which would then be called BRICS. Despite the differences among its members, in Barston's opinion, the group presented itself as an alternative route for cooperation; it constituted a framework that combines elements of consultation with that of a network; and it has served as an entry point for ideas from other groups and demonstrated the ability to deal with differences.[225]

220 Kishan S. Rana, *21st Century Diplomacy. A Practitioner's Guide* (London: Bloomsbury, 2011), 153, 36.

221 Haas, *The World*, 46-47.

222 Barston, *Modern Diplomacy*, 11.

223 Barston, *Modern Diplomacy*, 131-132.

224 Barston, *Modern Diplomacy*, 128.

225 Barston, *Modern Diplomacy*, 128-129.

Some recent events could not fail to be mentioned in this brief overview of the history of diplomacy, including Russia's invasion of Crimea (2014) and Ukraine (2022), although their consequences for world diplomacy, being very recent, cannot yet be properly assessed. For now, it suffices to observe some diplomatic consequences, such as the accession of new NATO and possibly EU members; the condemnation of the invasion by the UN General Assembly and the non-direct involvement of the UNSC, given that Russia is a permanent member with veto power and possesses nuclear weapons.

Another development in the diplomatic arena occurred in 2023, with the announced expansion of the number of countries affiliated with BRICS, a decision with possible repercussions in the diplomatic field. Finally, but no less relevant, the attacks by Hamas on Israeli territory in October 2023 brought new tensions to the already overloaded international diplomatic field, also with consequences still being assessed.

2.9. Conclusions

The brief overview of the trajectory of diplomacy presented above shows that each of the periodic innovations in its practices corresponded to the needs of the moment, some of which are no longer present today and seem outdated in the face of new technologies. Not without some reason, new generations question, for example, the lengthy secret processes of granting *agrément* to ambassadors; the maintenance of diplomatic secrets in negotiations, especially multilateral ones; the granting of extensive privileges and immunities to thousands of diplomats scattered around the world; as well as forms of communication marked by formalism. On the other hand, some long-established diplomatic practices have demonstrated their efficiency and contribute to security and stability in negotiating processes, now densified by many other actors, as will be seen in subsequent chapters.

Second Part
Ministries of Foreign Affairs and Their Diplomats

Chapter 3
Ministries of Foreign Affairs

As pointed out by Verbeke, "the Ministry of Foreign Affairs stands at the center not only of the conception and execution of foreign policy but also of diplomacy's organization."[226] Therefore, studying their origin, development, and functioning is an essential element for understanding diplomacy, especially its practice.

3.1. History

Foreign ministries did not exist before the 17th century. Until then, their functions were carried out by other government bodies according to geographical criteria. It was in France, in 1626, that the first ministry of foreign affairs emerged by decision of Cardinal Richelieu.[227] The creation reflected the French interest in maintaining the balance between European states, a fundamental principle of the country's foreign policy at that moment in its history.

In the 18th century, the creation of foreign affairs departments specialized in advising on foreign policy and managing diplomacy became widespread. In France, the ministry had a political department, codes for encrypting communications, a financial department, and a legal one. The structure and titles granted to positions (*directeur politique*, *cabinet du ministre*)[228] would influence other countries, including Brazil. Great Britain established the Foreign Office in 1782, and the United States established the Department of State in 1789. By the end of the century, most European states had foreign ministries.[229]

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226 Johan Verbeke, *Diplomacy in Practice: A Critical Approach* (Abingdon: Routledge, 2023), 13.

227 Keith Hamilton and Richard Langhorne, *The Practice of Diplomacy. Its Evolution, Theory, and Administration*, 2nd edition (Abingdon: Routledge, 2011), 77.

228 Hamilton and Langhorne, *The Practice of Diplomacy*, 103-104.

229 Hamilton and Langhorne, *The Practice of Diplomacy*, 93.

José Bonifácio de Andrada e Silva was the first to hold the position of foreign minister of independent Brazil, a position he already held as the chancellor of the Kingdom of Brazil when it was still associated with Portugal.

By 1860, the country maintained a network of twenty-two missions, including four legations in European cities.[230] The tradition of professionalism in diplomacy began during the long tenure of José Maria da Silva Paranhos Jr. (1902-1910), who conditioned his acceptance of the position of foreign minister to the ability to create a foreign service detached from political scenes. He thus came to represent the state with legitimacy and prestige.[231]

Foreign ministries are given different names in each country. Sometimes they are called ministries of foreign affairs and other times ministries of external affairs. Some are known by the name of the palaces or buildings they occupy or their location, such as Quai d'Orsay in France; Wilhelmstrasse in Germany; Tlatelolco in Mexico; Torre Tagle in Peru; Gaimusho in Japan; Farnesina in Italy; and Itamaraty in Brazil. As the "living rooms" of countries, foreign ministries often showcase the best of their culture to foreign visitors, whether in paintings, sculptures, or architectural style.

Phenomena since the end of the Cold War, including the proliferation of specialized multilateral entities and the need for experts in these forums, have reduced the centralizing role played by foreign ministries in the implementation of national foreign policies. However, some foreign ministries seek to retain the lead role across external sectors, notably among these, in Barston's opinion, Brazil, France, Canada, and Australia.[232] The following countries, according to that author, have merged their foreign and trade ministries: Australia, New Zealand, Canada, Ecuador, Ireland, Jamaica, Mauritius, Solomon Islands, Brunei, Republic of Korea, Brazil,

230 Hamilton and Langhorne, *The Practice of Diplomacy*, 119.

231 Robert Hutchings, and Jeremi Suri. *Modern Diplomacy in Practice* (London: Palgrave MacMillan, 2020), 3.

232 R. P. Barston, *Modern Diplomacy*, 5th edition (Abingdon: Routledge, 2019), 15.

Dominica, Zambia.[233] In some others, such as Belgium, foreign ministries are also responsible for development cooperation.[234]

As new members joined international organizations, the need for a greater number of diplomats grew, a problem difficult to solve for smaller countries. As Freeman observed, these countries would have resources to open only a few posts abroad, generally one at the UN, another in the country from which they had been a colony, and in a few neighboring countries. Over time, the new independent countries would constitute a majority in the UN General Assembly and would be able to pass resolutions in their interest.[235]

3.2. Organization

Foreign ministries were initially composed, in varying proportions, of two types of career diplomats: those based at the ministry headquarters in the country's capital (chancellery) and those on missions abroad. These two categories would merge, but, as Greenstock observed, the nation's foreign service involves a more diverse set of budget decisions, staffing requirements, and stipulation of working conditions than in the home civil service.[236]

3.2.1. Chancelleries

The foreign ministries' headquarters (chancelleries) are organized similarly in most countries. They are led by the foreign minister (or equivalent title). In presidential regimes, such as Brazil and the United States, a person appointed to the position by the President must be approved by the Senate. In parliamentary systems, the position is held

233 Barston, *Modern Diplomacy*, 22.

234 Juergen Kleiner, *Diplomatic Practice. Between Tradition and Innovation* (Singapore: World Scientific, 2010), 31.

235 Chas W. Freeman and Sally Marks, "Diplomacy," Politics, Law & Government, International Relations, Britannica, last modified June 19, 2022, https://britannica.com/topic/diplomacy#233733.

236 Jeremy Greenstock, "The Bureaucracy: Ministry of Foreign Affairs, Foreign Service, and Other Government Departments," in *The Oxford Handbook of Modern Diplomacy*, ed. Andrew F. Cooper, Jorge Heine, and Ramesh Tahakur (Oxford: Oxford University Press, 2013), 108.

by a member of parliament from the political party or coalition that won most votes in the elections.

When working in the foreign office at home, as noted by Kleiner, diplomats get involved in foreign policy making.[237] The tasks of foreign ministries are diverse, but two, according to Verbeke, are particularly relevant: advising the minister and coordinating the execution of foreign policy. Current affairs capture the attention of the ministry's head, leaving little time to read or thoroughly analyze reports from posts abroad or to review all thematic studies. This task, as Verbeke observed, falls to their direct advisors, led by the Chief of Staff, as "the Minister is a busy person who inevitably must give priority to current events" and "does not have time to read, let alone digest the huge amount of information and analysis that the diplomatic missions abroad send home."[238] Foreign ministries have press and information divisions that hold press conferences and publish leaflets and brochures.[239] They are usually directly linked to the minister's cabinet office.

Regarding the coordination of foreign policy execution, according to Verbeke, foreign ministries are responsible for the coherence and temporal consistency of foreign policy, a task that requires coordination between secretariats and departments. Governments, as Kleiner stated, strive for a coherent foreign policy in which all details must fit together.[240] This task is carried out, in many countries, by the General Secretary, who is the top administrator of the foreign ministry.[241]

In general, foreign ministries are organized both geographically and thematically and functionally. Functional departments include administration, personnel, finance, legal affairs, and archives. The geographic divisions are usually made by region, subdivided by country. These are the units that deal daily with the diplomatic corps and exchange political information since foreign ministers do not have time to receive more than a few selected ambassadors, usually from key countries or

237 Juergen Kleiner, *Diplomatic Practice*, 12.

238 Verbeke, *Diplomacy in Practice*, 16.

239 Kleiner, *Diplomatic Practice,* 37.

240 Kleiner, *Diplomatic Practice,* 13.

241 Verbeke, *Diplomacy in Practice*, 14.

to address particularly important issues. The geographic approach to diplomatic action has been criticized, as by Rozental and Buenrostro, authors who argue that the idea that each country should maintain as many posts as countries and regions is neither feasible nor useful as it can waste valuable material and human resources that could otherwise be deployed more effectively in thematic themes.[242]

Thematic divisions, noted by Greenstock, often include economic affairs, trade policy, security, the environment, human rights, law, public diplomacy, and services to citizens abroad.[243] Some ministries also include units to address climate change, human rights, national security issues, alternative energy, and humanitarian law, among others. Many ministries, as noted Rozental and Buenrostro, now have roving ambassadors based at home, tasked with coordinating specific issues.[244] Although most foreign ministries have generalists, some officials have increasingly specialized empirically.

The decision-making process in the chancelleries of democratic countries usually involves the circulation of memoranda to consult various sectors in formulating foreign policy regarding specific points for decision or multilateral voting. It starts at lower levels until it reaches the decision-making level. From then on, instructions are issued to posts abroad for implementation.[245] Sometimes, posts abroad are consulted to assess potential support for national proposals. Another task of chancelleries is to coordinate activities with other ministries and government agencies to execute the country's foreign policy. For this purpose, coordination committees are established. [246]

3.2.2. Posts Abroad

The size and cost of networks of posts abroad, as noted by Malone, undergo more detailed scrutiny as national budgets are reduced worldwide.

242 Andrés Rozental and Alicia Buenrostro, "Bilateral Diplomacy," in *The Oxford Handbook of Modern Diplomacy*, ed. Andrew F. Cooper, Jorge Heine, and Ramesh Tahakur (Oxford: Oxford University Press, 2013), 238.

243 Greenstock, "The Bureaucracy," 108.

244 Rozental and Buenrostro, "Bilateral Diplomacy," 239.

245 Kleiner, *Diplomatic Practice,* 33.

246 Kleiner, *Diplomatic Practice,* 35.

The choice of capitals where embassies will be maintained, as well as the number of their staff and the cost-benefit ratio of these choices, are then examined more rigorously. To reduce costs, Malone further observes, some European countries, in the process of regional integration, have sought solutions for embassy sharing. Smaller countries, such as Singapore, have appointed ambassadors who, from the capital's chancellery, travel to accreditation countries only to the extent that bilateral needs require.[247]

The expansion of Brazilian posts abroad caught Malone's attention, who wrote: "Brazil, as part of its process of global 'emergence,' embarked in the early new century on an ambitious expansion of its impressive diplomatic network of resident missions, seeing its growing number of embassies and other forms of diplomatic representation (seventy new missions, of which approximately forty were embassies) as a tangible manifestation of its new international weight and influence."[248]

Below is the ranking of the ten countries with the highest number of missions abroad in 2021.[249]

	Country	Total Posts	Embassies	Consulates	Permanent Missions	Others
1	China	275	171	94	8	2
2	United States	267	167	82	11	7
3	France	264	161	88	14	1
4	Japan	248	151	66	9	22
5	Türkiye	246	142	91	11	2
6	Russia	243	144	85	11	3
7	United Kingdom	222	156	49	11	2
8	Germany	220	147	60	11	2
9	Spain	217	116	90	10	1
10	Brazil	211	132	66	11	2

The traditional approach, as observed by Rozental and Buenrostro, was that a country's influence was directly proportional to the number of missions maintained abroad.[250] For these authors, in a world of extreme

247 David Malone "The Modern Diplomatic Mission," in *The Oxford Handbook of Modern Diplomacy,* ed. Andrew F. Cooper, Jorge Heine, and Ramesh Tahakur (Oxford: Oxford University Press, 2013), 134.

248 Malone, "The Modern Diplomatic Mission," 134.

249 *Global Diplomacy Index* 2021, Lowy Institute. https://globaldiplomacyindex.lowyinstitute.org/country_rank.html

250 Rozental and Buenrostro, "Bilateral Diplomacy," 238.

communication, this premise no longer holds true. With the growing scarcity of resources, even in wealthier countries, there is a need to adjust foreign policy structures to specific objectives and thematic priorities. Contiguous countries lead geographical priorities. Other decision criteria may be regional or political or ideological affinities, cultural and linguistic similarities, trade, investment, and monetary flows, as well as common international objectives. This may mean—Rozental and Buenrostro concluded—having a presence in geographically distant countries but with certain attributes, such as commodity production, technologically advanced societies, or specific political systems.[251]

Malone predicts that the number of diplomats will decrease as government finances demand and information technology fulfills its need. Diplomatic missions in important capitals would be assured, according to Malone, as "governments require confidentiality for some sensitive information and capitals wish to know that they have trusted, knowledgeable individuals on the ground capable of doing their bidding against stiff competition."[252]

3.3. Communication

In addition to formal[253] and rare letters between Heads of State and Government, diplomacy routinely uses written communications between chancelleries and posts, as well as between these and foreign ministries. These take various forms, such as verbal notes, collective notes, dispatches, talking points,[254] non-papers, *démarches*, *aide-mémoires, bouts de papier*, memoranda, as well as various types of letters, electronic messages, and other, more recent informal means.

The verbal note is the most used form for written communications between the head of a mission and the Foreign Minister. It differs from the Official Note, which is signed and drafted conventionally.[255]

251 Rozental and Buenrostro, "Bilateral Diplomacy," 239.

252 Malone, "The Modern Diplomatic Mission," 137.

253 Malone, "The Modern Diplomatic Mission," 137.

254 Roberts, "Diplomacy—A Short History," 92.

255 Harold Nicolson, Diplomacy, 3rd edition (Oxford: Oxford University Press, 1963), 107.

It contains formal greetings at the beginning and end.[256] Its format varies greatly depending on each country. As the name suggests, it seeks (in the third person) to incorporate the substance of an oral communication or conversation that is formally recorded, although not intended to become public. It is also used for communications with missions from other countries.[257]

The collective note is addressed by the Dean of the Diplomatic Corps to a government on behalf of all accredited missions or representatives of various states with respect to a subject for which they have been instructed to communicate a joint decision.[258] When there are political difficulties, as opposed to administrative ones, heads of mission representing political groups of countries present notes,[259] such as those from the Latin American Group or from EU members or Arab countries.

The dispatch, in the British tradition, was the name given to a formal letter from the foreign minister to a head of mission or vice versa, or from a head of mission to another.[260] Nowadays, dispatches contain requests and instructions from the foreign minister, usually sent to determine *démarches* to a foreign government.[261]

In Brazil, the response from the post is called an "ofício" if sent by diplomatic pouch, or simply a "telegram" if sent electronically. "Despacho" is the communication from the minister to a post, commonly called a telegraphic dispatch (or, abbreviated, desptel).

When a diplomat schedules a meeting to discuss a topic with a colleague from another country or ministry, they often bring along written notes, based on their instructions, to serve as memory aids. They may decide to leave them with such a colleague to ensure there are no doubts about the main points of the conversation. The text is not signed and is given

256 Rana, *21st Century Diplomacy,* 294.

257 Roberts, "Diplomacy—A Short History," 84.

258 Roberts, "Diplomacy—A Short History," 85.

259 Joanne Foakes and Eileen Denza, "The Diplomatic Mission, the Corps, Breach of Relations, and Protection of Interests," in *Satow's Diplomatic Practice*, 7th edition, ed. Ivor Roberts (Oxford: Oxford University Press, 2017),154-155.

260 Roberts, "Diplomacy—A Short History," 85.

261 Verbeke, *Diplomacy in Practice,* 30.

as a courtesy, as a convenient practice, without official status. Roberts refers to this document as a "speaking note."[262] Verbeke, on the other hand, refers to the document left after a démarche as an "*aide-mémoire*."[263]

A non-paper consists of an unofficial presentation of a government's policy used when it wishes to test an initiative to see how it would be received. It can also be used in multilateral diplomacy to propose a draft resolution and gauge the degree of acceptance among other participants in a negotiation, even though it does not create obligations or responsibilities for the positions stated in the document.[264]

Fax, electronic network, video conferencing, or telephone communications and other forms of technological information, according to Roberts, have transformed the means of diplomatic communication.[265] The embassies should, in his view, be briefed of the substance of exchanges. Similarly, if high-level meetings, ministerial for example, are not informed to diplomatic missions, they cannot be expected to execute their mission effectively.[266]

In addition to verbal communications (unilateral statements, policy announcements), Barston notes that diplomacy makes use of non-verbal ones (such as non-attendance, level of representation, and the recall of an ambassador).[267] These constitute signals to indicate political positions. They have advantages, in the opinion of that author, as they can reduce the political cost or impact of a rebuff or failure. By not presenting commitments, signals allow room for a change in position. They are particularly useful in cases of long-standing disputes and conflicts.[268]

3.4. Staff

As mentioned earlier, there was, in the foreign ministries, a separation between the staff at headquarters and those in posts abroad, as well as

262 Roberts, "Diplomacy—A Short History," 87.

263 Verbeke, *Diplomacy in Practice,* 30.

264 Roberts, "Diplomacy—A Short History," 87.

265 Roberts, "Diplomacy—A Short History," 89.

266 Roberts, "Diplomacy—A Short History," 89-90.

267 Barston, *Modern Diplomacy*, 45.

268 Barston, *Modern Diplomacy*, 46.

between diplomats and consuls. Over time, functions performed by *attachés* and other officials would also be added.

3.4.1. Diplomats

If diplomacy is a term of difficult definition, explaining the meaning of the word diplomat might constitute an even greater challenge. The work of these professionals, as described by Reis, would be to "create, explain, give shape, and give life to the external projection of the country [they represent]."[269] While defending the interests of the State, diplomats, in Freeman's view, try to reduce risks and the cost (and, if possible, the resentments) of using force, convey the goodwill of the represented State, strengthen relationships, and ensure cooperation.[270] They convey messages from their governments and negotiate adjustments in relationships, as well as seek to resolve disputes without resorting to the use of force, although they may resort to coercion, such as threatening trade retaliation or other economic sanctions. They seek to preserve peace and, in case of war, to restore it through negotiations. As Barder stated, persuading, among other functions, is what diplomats do.[271]

Career diplomats, as state officials, according to Greenstock, have the difficult task of balancing short-term pressures with the long-term strategic objectives of the country they serve. Their professional quality constitutes a genuine governmental resource because the immediacy of the pressures in the public can distort the search for choices and decisions that best suit the national strategic interest.[272]

Nowadays, diplomats perform functions both in embassies and consulates, having disappeared the distinction between the diplomatic and consular careers that existed a hundred years ago. As described by Verbeke, diplomats are generalists (the expert is a specialist) with skills on communication, negotiation, writing and drafting, and knowledge

269 Fernando Guimarães Reis. *Caçadores de nuvens. Em busca da diplomacia* (Brasília: FUNAG, 2011), 118.

270 Freeman and Marks, "Diplomacy."

271 Brian Barder, *What Diplomats Do* (Lanham: Rowman & Littlefield, 2016), 3.

272 Greenstock, "The Bureaucracy," 109.

of foreign languages.[273] As generalists, continues Verbeke, when dealing with various subjects, they use techniques, employ tactics and strategies, as well as public language and negotiation styles, which are characteristic skills of the profession.[274]

A controversial issue concerns who can be appropriately seen as a diplomat. Sharp observed that traditionally, authors understand that only representatives accredited by sovereign states have legitimacy to conduct international relations. He noted, on the other hand, that some more recent authors have disagreed with this position because they believe that the proportion of those accredited to act in international relations is shrinking.[275]

This debate is apparent from reading authors of books on diplomatic practice and theory who are in two opposite poles. Verbeke explained both. In the first pole, there are those who understand that states hold the monopoly of dictating foreign policy and diplomats, as state agents, are their instruments. This is the Westphalian model. In the second pole, there are those who emphasize the growing role of non-governmental actors on the international stage. Its proponents refer to this phenomenon as new diplomacies.[276] However, not all reflect their nominal value, as Verbeke concluded, their numerical proliferation indicates that some should not be taken seriously.[277]

3.4.2. Attachés

At the beginning of the 20th century, the commercial role of foreign ministries was limited to providing information on foreign markets and negotiating tariff agreements.[278] They participated in tariff agreement negotiations, but the task of collecting commercial information and supporting companies was the responsibility of consuls in cities with

273 Verbeke, *Diplomacy in Practice*, 57.

274 Verbeke, *Diplomacy in Practice*, 6.

275 Paul Sharp, "Diplomacy in International Relations Theory and Other Disciplinary Perspectives," in *Diplomacy in a Globalizing World*, ed. Pauline Kerr and Geoffrey Wiseman (Oxford University Press, 2013), 61-62.

276 Verbeke, *Diplomacy in Practice*, 34.

277 Verbeke, *Diplomacy in Practice*, 55.

278 Hamilton and Langhorne, *The Practice of Diplomacy*, 124.

commercial center vocations abroad. Over time, some foreign ministries would lose to other portfolios the negotiation of trade policy and the administration of development cooperation.

On their part, defense ministries would seek information on armaments and armed forces from both friendly and enemy countries, a need that would lead to the appointment of military attachés who would become permanent members of embassies.[279] They would maintain links with their counterparts in military ministries and coordinate joint military operations. Due to the weight of military procurement, in Malone's opinion, the military *attachés* play relevant roles in the geostrategy in some regions of the world.[280]

Another category of *attaché*, sometimes disguised under another title, concerns national security services, popularly seen as spies. They have been present since the earliest embassies and, according to Hamilton and Langhorne, have left a history of bribery and deceptive actions. They became more relevant in countries without press freedom and difficult to obtain information.[281] Previously, information from these officials was transmitted through coded reports sent by sealed diplomatic bags. Over time, it began to be sent by means of sophisticated electronic encryption. Their historical performance has been criticized and disapproved by career diplomats, who, as those two authors reported, did not accept that professional diplomacy coexisted with the underground world of espionage.[282] Still in the security area, national police forces have appointed attachés at embassies in major capitals to monitor criminal cases with links to national cases for which they seek sharing of police information and cooperation in criminal prosecutions.[283]

Among other officials stationed at embassies are, in some countries, cultural or press *attachés*, focused on so-called public diplomacy. Their task would be to influence the public opinion of the accrediting country,

279 Hamilton and Langhorne, *The Practice of Diplomacy*, 125.

280 Malone, "The Modern Diplomatic Mission,"131.

281 Hamilton and Langhorne, *The Practice of Diplomacy*, 127.

282 Hamilton and Langhorne, *The Practice of Diplomacy*, 128.

283 Malone, "The Modern Diplomatic Mission," 132.

to defend the actions of the accredited country, through the local press[284] and, more recently, through social media. There are also, in some countries with major agricultural production, including Brazil, the appointment of agricultural *attachés* to monitor sanitary and phytosanitary barriers imposed on the export of their products.

Attachés could pose a threat to the authority of the ambassador to whom they are theoretically subordinate. Appointed by another minister, they answer to him or her and not to the foreign minister, even though their reports go through the embassies to the capital. But this does not prevent them from dealing directly with their hierarchical superiors in the ministry of their origin. The relationship between ambassadors and *attachés* may suffer some wear and tear,[285] especially when the *attaché* casts doubt upon the value of the ambassador's advice[286] or questions whether his or her authority constitutes the highest one in the embassy.

The trend toward including representatives from other ministries in posts abroad, in Hocking's opinion, has changed the structure of diplomatic posts.[287] In the case of the United States, as noted by Kleiner, the proportion of employees from other government agencies, that is, not members of the State Department, corresponded, in 1997, to 63% of the total personnel of the country's diplomatic and consular missions.[288]

The Itamaraty underwent major reforms during the administrations of Afrânio de Melo Franco (1931) and Oswaldo Aranha (1938), which resulted in the merger of the State Secretariat personnel from headquarters and posts abroad and the Consular and Diplomatic Services. The Paulo Tarso Flecha de Lima reform (1986), carried out shortly after the re-democratization, sought to make promotion and rotation criteria for diplomats more objective.[289]

284 Hamilton and Langhorne, *The Practice of Diplomacy*, 130.

285 Hamilton and Langhorne, *The Practice of Diplomacy*, 126.

286 Hamilton and Langhorne, *The Practice of Diplomacy*, 127.

287 Brian Hocking, "The Ministry of Foreign Affairs and the National Diplomatic System," in *Diplomacy in a Globalizing World*, ed. Pauline Kerr and Geoffrey Wiseman (Oxford University Press, 2013), 137.

288 Kleiner, *Diplomatic Practice,* 14.

289 Mello Barreto, *A política externa após a redemocratização* (Brasília: FUNAG, 2012), tome I, 120.

3.4.3. Other staff

According to Malone's proposed classification, posts abroad consist of three types of employees: diplomats sent by the accrediting country under various designations; administrative or support staff, also not nationals of the country in which the embassy is established; and support staff who are often nationals of the accrediting country, known as local staff.[290]

In the case of Brazil, there are two administrative careers in the foreign service, in addition to diplomats: chancery officers and chancery assistants. There are also local hires who provide various services, such as receptionists, drivers, interpreters, and lawyers, the latter to provide consular assistance to nationals abroad in locations where their number is very high.

3.5. Forms of Operation

Diplomacy can operate in a traditional manner or, in special cases, in a non-traditional manner, although some of the latter are also provided for in the Vienna Conventions on Diplomatic and Consular Relations (VCDR and VCCR).

3.5.1. Traditional

The traditional method for conducting bilateral diplomacy is carried out on a State-to-State basis via formally accredited resident missions.[291] According to Article 2 of the VCDR, the establishment of diplomatic relations between States and the establishment of permanent diplomatic missions are done by mutual consent. Currently, recognition without the formal establishment of diplomatic relations is highly exceptional.[292]

It is common for the government of one State to issue a formal declaration of recognition of another recently constituted State. At this time or shortly thereafter, it may offer to establish diplomatic relations with the new State. Sometimes, there is an implicit recognition of a State

290 Malone, "The Modern Diplomatic Mission," 123.

291 G. R. Berridge, *Diplomacy: Theory and Practice*, 6th edition (Houndmills and New York: Palgrave, 2002), 105.

292 Roberts, "Diplomacy—A Short History," 71.

by the new one when issuing a joint statement of their mutual intention to establish relations.[293] Implicit recognition may also occur when a State disappears because of fusing with another,[294] i.e., the end of diplomatic relations with the disappeared State and the continuity of those with the absorbing one.

Modern practice is for other States not to issue a statement to recognize a new government and for the continuation or resumption of relations. However, in cases of insurgency situations, some States have signaled their political approval of a particular political faction through the recognition of it as the "political representative of the people".[295]

3.5.2. Non-Traditional

Some bilateral relations, however, cannot be maintained in the conventional way for political reasons that prevent the recognition of a State or, more commonly, its government. Sometimes, resorting to non-traditional diplomatic forms also occurs when relations between two countries are broken.

Contacts between diplomats from countries that do not maintain diplomatic relations but are in the same accredited State or in the same international organization are limited. The representative of the country that does not recognize another State or its government cannot communicate with their colleague representing such an "entity" or unrecognized State and cannot formally acknowledge receipt of any communication made by them, as communication or its receipt may be considered evidence of implicit recognition of diplomatic relations.[296] The communication may be withheld without acknowledgment of receipt or may be returned to the sending mission.[297]

However, both States may recognize the mutual interest in communicating through non-traditional bilateral diplomacy. To avoid

293 Roberts, "Diplomacy—A Short History," 72.

294 Roberts, "Diplomacy—A Short History," 73.

295 Roberts, "Diplomacy—A Short History," 75.

296 Foakes and Denza, "The Diplomatic Mission," 155.

297 Foakes and Denza, "The Diplomatic Mission,"156.

political embarrassments of a traditional relationship, diplomatic functions may be exercised in various alternative ways to a resident mission, such as diplomatic contacts, special missions, dual accreditation,[298] interest sections, consulates, representation offices, [299] and front missions, as described below. Diplomatic contacts can take place in the capital of a third State or on the sidelines of international organizations, particularly the UN. Special missions are occasionally sent to deal with specific topics of mutual interest. The other non-conventional forms are examined below.

a) Multiple Accreditation

One form of non-exclusive relationship is the sending of an ambassador to some countries, or less frequently, several ambassadors to one country. This is multiple accreditations provided for in Articles 5 and 6 of the VCDR. It can be that of a single ambassador or diplomat to act with more than one State (Article 5) or the sending of an ambassador to act on behalf of more than one State with the same country (Article 6). The first case is more common, as an ambassador can choose his or her residence in one of the countries and leave a *chargé d'affaires* ad interim in other posts. The second is rarer, as the idea of two or more countries sharing the same ambassador, although economical, poses problems of confidentiality of archives and of information reported and even fear of loss of sovereignty or prestige.[300]

In the mid-20th century, some States, after withdrawing the head of the mission and formally closing their embassies, left some of their diplomats in the country to act in the embassy of the protecting State, a practice like what had occurred in the previous century when consulates remained in operation after the beginning of a war. The solution allowed resident diplomacy to maintain relations without breaking relations with an unfriendly country.[301] Sometimes, diplomats work at the embassy

298 Roberts, "Diplomacy—A Short History," 77.
299 Berridge, *Diplomacy: Theory and Practice*, 132.
300 Roberts, "Diplomacy—A Short History," 108.
301 Berridge, *Diplomacy: Theory and Practice*, 134.

of the protecting country, sometimes in their own premises, although formally closed following a breach of diplomatic relations.[302]

The practice was included in the Vienna Convention on Diplomatic Relations as its Article 45 provides for the possibility of a third country to guard the premises of the diplomatic mission and protect the interests of the country with which relations have been broken.[303] Article 46 provides that a sending State may, with the consent of the receiving State, and at the request of a third State not represented in the receiving State, assume the protection of the third State and its nationals.[304]

Members of interest sections enjoy the privileges and immunities of the VCDR but require the approval of the host State for their appointment as diplomatic agents before being made public. In general, they comprise a small number of diplomats who must perform only core tasks such as message transmission, political reporting, policy advice, and consular functions, leaving aside commercial and information work.[305]

In 1955, Brazil began to represent the interests of Portugal in India when the latter asked the government of Lisbon to close its embassy in Delhi.[306]

When Brazil severed diplomatic relations with Cuba in 1964, the Swiss government retained custody of its embassy as well as the function of representing the country to the Cuban government. (In 1986, the Swiss government handed over the assets that remained under its custody and for which it presented a detailed report.)

In 1982, during the Falklands War, Brazil began to represent the interests of Argentina to the United Kingdom, a situation that lasted until both countries reestablished diplomatic relations.

302 Berridge, *Diplomacy: Theory and Practice*, 135.

303 Berridge, *Diplomacy: Theory and Practice*, 134.

304 Foakes and Denza, "The Diplomatic Mission," 174.

305 Berridge, *Diplomacy: Theory and Practice*, 137.

306 Berridge, *Diplomacy: Theory and Practice*, 137.

b) Consulates

Articles 2 and 17 of the Vienna Convention on Consular Relations (VCCR) make it clear that consular relations do not depend on the existence of diplomatic relations. Therefore, consulates may survive the rupture of diplomatic relations or be established as a first step towards the restoration of such relations. The advantage of this option compared to the creation of an interest section is that there is no need for a protecting country. Thus, payments, possible misunderstandings, and the need for sharing secrets are avoided. Unlike interest sections, consulates are not perceived as eminently political bodies. Sometimes, the consular network can be extensive and often occupied by consular officers with diplomatic experience.[307] Consular representations can also be used to conduct limited relations with unrecognized States.

The Consulate of Brazil in Hong Kong served for years as an observation point for the Chinese government when it was not yet recognized by the Brazilian government.

c) Representation Offices

Representation offices are created when there is a desire for business relations between two governments, but one of them continues to recognize that of a rival of the other. In these cases, the commonly used procedure has been the creation of a Representation Office, also known as a liaison office. It acts as a diplomatic mission, but informally.[308]

In 2004, Brazil created a Representation Office in Ramallah, a Palestinian territory located in the State of Israel.

d) Front Missions

Facade missions have been very varied: commercial missions or offices, tourist offices or travel agencies, scientific missions, and cultural affairs offices, are some favorites. There has even been the use of foreign

307 Berridge, *Diplomacy: Theory and Practice*, 139.

308 Berridge, *Diplomacy: Theory and Practice*, 140.

newspaper correspondents. Their disadvantages, as emphasized by Berridge, are having few diplomatic resources.[309]

3.6. Conclusions

Since their creation in the 17th century, foreign ministries have expanded their activities, established new practices, and adapted to circumstances. They have developed forms of relationship with other governments and their posts abroad, adapting to technological innovations. Added to the framework of diplomatic staff are *attachés*, specialists, and technical or administrative support personnel. Foreign ministries have faced the difficulties of establishing traditional relations through creative forms of communication with other States, governments, and entities not officially recognized. They now face competition from heads of state, other ministries, and various actors, as will be seen in the following chapters.

309 Berridge, *Diplomacy: Theory and Practice*, 141.

Chapter 4
Diplomatic Career

Not all diplomats are career diplomats, as there are also politically appointed ones. The latter, when appointed as ambassadors, may be advantageous for foreign ministries, in Verbeke's opinion, because of the "direct line" they may maintain with the head of state. However, they are not familiar with the technical aspects of the role, and their appointment demotivates career diplomats.[310]

Regardless of their appointment method, diplomats perform intermediary and negotiation functions between their government and those of other countries. As observers, informants, messengers, and negotiators, they deal with relations between states, usually to resolve pending issues and promote cooperation. With powers granted by the country they represent, they use words to represent and influence another state. In this process, as Freeman noted, diplomats sometimes influence the formulation of their own country's foreign policy and execute it through negotiations and other measures.[311] They help national leaders understand the attitudes and actions of foreigners and develop strategies and tactics that will shape their behavior, especially their governments. They come into direct contact with power, but, as observed by Sharp, they rarely exercise it directly.[312] Freeman believes that the wise use of diplomats is key to successful foreign policy.[313] In the same line of thought, Morghentau

310 Johan Verbeke, *Diplomacy in Practice: A Critical Approach*, (Abingdon: Routledge, 2023), 24.

311 Chas W. Freeman and Sally Marks, "Diplomacy," Politics, Law & Government, International Relations, Britannica, last modified June 19, 2022, https://britannica.com/topic/diplomacy#233733.

312 Paul Sharp, *Diplomatic Theory of International Relations.* Cambridge Studies in Corneliu Bjola and Markus Kornprobst. *Understanding International Diplomacy: Theory, Practice and Ethics* (Abingdon: Routledge, 2018), 180.

313 Freeman and Marks, "Diplomacy," 2022.

stated: "Among all the factors that make up a nation's power, the most important, albeit unstable, is the quality of diplomacy."[314]

Regarding the relationship of diplomats with politics, Wiseman classifies them into four categories: as *messengers* (mere assistants to policy); as *policy shapers* (seeking to influence policies); as *policy producers* (such as when George Kennan proposed a United States policy of Soviet containment); and as *policy resisters* (finding ways to deflect, slow walk, or kill policies they see as ill-judged).[315]

The diplomatic career is competitive from the outset, both in terms of promotion and in the choice of postings abroad. Indeed, this competition, if fair, contributes, as Verbeke reminds us, to the quality of the foreign service.[316] Hence the concern of foreign ministries, such as the Brazilian one, in establishing transparent processes that reduce political patronage, through the requirement of courses and the establishment of commissions to decide on promotions and transfers.

In 2014, Brazil had 1,581 diplomats, 872 chancery officers, and 603 chancery assistants.[317]

4.1. Recruitment and Selection

Diplomacy was characterized, at the beginning of its modern version in Europe, by the recruitment of candidates from the aristocracy. There were two separate careers, diplomatic and consular. The integration of both occurred firstly in France in 1877.[318] In the United States, since the presidency of Andrew Jackson (1829-1837), diplomatic appointments became customary rewards for political services. In Britain, the requirement that diplomatic candidates have a private income of £ 400 per year (about

314 Hans Morgenthau, *Politics Among Nations: The Pursuit of Power and Peace, 105*, quoted in Anthony F. Lang Jr, *Phronesis, Morgenthau, and Diplomacy* (New York: Alfred A Knopf, 1960), 105.

315 Geofrey Wiseman, "Expertise and Politics in Ministries of Foreign Affairs: The Politician-Diplomat Nexus," in *Ministries of Foreign Affairs in the World. Actors of State Diplomacy*, ed. Christian Lequesne (Leiden/Boston: Brill/Nijhoff, 2022), 127-128.

316 Verbeke, *Diplomacy in Practice*, 23.

317 Robert Hutchings, and Jeremi Suri, *Modern Diplomacy in Practice* (London: Palgrave MacMillan, 2020), 5.

318 Keith Hamilton and Richard Langhorne, *The Practice of Diplomacy. Its Evolution, Theory, and Administration*, 2nd edition (Abingdon: Routledge, 2011), 105.

£ 25,000 today, or R$ 160,000) would only be eliminated in 1919.[319] In the 1970s, the United States, Australia, and some other industrialized democracies (as well as South Africa) expanded recruitment beyond the old elites and emphasized the development of foreign services representative of the ethnic diversity of their populations.[320] Rana noted that entrants into the diplomatic career worldwide have become more diversified in terms of the subjects studied, personal or regional origin, as well as age range (the average age has increased in most countries).[321]

Nowadays, candidates for diplomacy are generally subjected to rigorous selection and training before representing their country abroad. They are usually graduates from universities that face exhaustive oral and written exams to enter the foreign service. In most countries, the selection process consists of tests on language proficiency, history, geography, political science, economics, international law, and general culture. They assess, as summarized by Freeman, a candidate's skills in writing, analyzing, and summarizing, as well as the ability to identify essentials and deal with problems, in addition to persuasion, balance, intelligence, initiative, and stability. Despite diversification, the best-trained and prepared candidates tend to be successful, according to Freeman.[322]

4.2. Training

Regarding the training of diplomats, practices abroad vary from country to country. Some limit themselves to internships (as in the UK and Commonwealth countries), others are based on public administration schools (France), mixed regimes (India), or diplomatic academies (Germany, Brazil, and Egypt). Some countries, according to Freeman, offer additional academic training; others, including the United States, are more practical in orientation.[323]

319 Robert Cooper, *The Ambassadors: Thinking about Diplomacy from Machiavelli to Modern Times* (London: Weidenfeld & Nicolson, 2021), 206.

320 Hutchings and Suri, *Modern Diplomacy in Practice*, 208; Freeman and Marks, "Diplomacy."

321 Kishan S. Rana, *21st Century Diplomacy. A Practitioner's Guide* (London: Bloomsbury, 2011), 30.

322 Freeman and Marks, "Diplomacy."

323 Freeman and Marks, "Diplomacy."

In Germany, the initial selection and training process is one of the most rigorous and includes three years of training at the diplomatic academy.[324] Between 1,700 and 2,000 people apply for about 35 vacancies offered per year.[325] Still in Europe, in France, candidates for officials in the "A" category of the diplomatic service (from First Secretary to Ambassador) traditionally came from the *Grandes Écoles*, and university ranking followed the public career.[326] There were ad hoc exams to fill specialized vacancies.[327] In April 2022, the Macron government published a decree that eliminates the separation of the diplomatic career from the rest of the public administration. In June, French diplomats went on strike in protest, alleging the specificity of the career, vocation, training, and specialization to justify the traditional separation.[328] The reform brings the French system closer to the Indian one, described below.

In India, entry into the diplomatic service is through a competition for the entire civil public service (*Civil Service Exam*). The selection process seeks to assess talent, disposition, and creativity but still eliminates qualified candidates given the very high number of applicants[329] (about one million candidates per position, or 0.1% admitted at the end of the various selection phases).[330] After selection, candidates accepted for the diplomatic service must attend the Foreign Service Institute for one year, where they take classes and internships. As a result of this process, the country has highly trained diplomats but in insufficient numbers to meet the ministry's needs,[331] which had only 770 diplomats for 172 missions in 2017.[332]

324 Marne Sutten, Catherine Cousar, and Robert Hutchings, "Germany," in Hutchings and Suri, *Modern Diplomacy in Practice*, 60.

325 Sutten, Cousar, and Hutchings, "Germany," 66.

326 Bryce Block, Catherine Cousar, and Jeremi Suri, "France," in Hutchings and Suri, *Modern Diplomacy in Practice*, 46.

327 Block, Cousar, and Suri, "France," 47.

328 "Grève des diplomates français: Une réforme qui nie notre expertise," France 24, accessed September 16, 2024, https://www.france24.com/fr/france/20220601-gr%C3%A8ve-des-diplomates-fran%C3%A7ais-une-r%C3%A9forme-qui-nie-notre-expertise.

329 Leena Warsi, Joshua Orme, and Jeremi Suri, "India," in Hutchings and Suri, *Modern Diplomacy in Practice*, 81-82.

330 Warsi, Orme, and Suri, "India," 85-86.

331 Warsi, Orme, and Suri, "India," 83.

332 Warsi, Orme, and Suri, "India," 84.

In Brazil, preparation for the diplomatic career is mandatory at the Rio Branco Institute, which also provides advanced courses and studies. Created in 1945, after a dispute between the Department of Public Administration (DASP) and Minister Oswaldo Aranha,[333] it has since trained all of Brazil's career diplomats.[334] The percentage of graduates in International Relations entering the Institute has increased exponentially in the last 20 years.[335]

Most countries agree on the need for proficiency in foreign languages. In addition to English, French, and Spanish, interest in candidates with skills in languages such as Arabic, Chinese, German, Japanese, Portuguese, Russian, and others has increased worldwide. Language training is provided at a foreign service institute, local universities, or abroad. In general, diplomat training processes also emphasize knowledge of economics, geography, international politics, and law, and many teach their own history and culture. Some offer additional academic training; others, including the United States, are more practically oriented.

In the debate over whether career officials should be generalists or specialists, the United States favors modest specialization—for example, in African economics—while many countries, particularly small ones that cannot afford specialists, prefer generalists. Some specializations may arise for diplomats who are temporarily seconded to work in another ministry or public body. After this period, the diplomat returns to the foreign ministry with new technical knowledge and useful relationships for their career.[336]

In Brazil, although there is no formal specialization, some diplomats have excelled in specific areas, including trade negotiations, environmental issues, and disarmament.

333 Karla Gobo and Claudia Santos, "The Social Origin of Career Diplomats in Brazil's Ministry of Foreign Affairs: Still an Upper-Class Elite," in *Ministries of Foreign Affairs of State Diplomacy*, ed. Christian Lequesne (Leiden/Boston: Bril/Nijhoff, 2022), 20.

334 Maria Pereyra-Vera, Daniel Jimenez, and Robert Hutchings, "Brazil," in Hutchings and Suri, *Modern Diplomacy in Practice*, 7.

335 Gobo and Santos, "The Social Origin," 34.

336 Andrés Rozental and Alicia Buenrostro, "Bilateral Diplomacy," in *The Oxford Handbook of Modern Diplomacy*, ed. Andrew F. Cooper, Jorge Heine, and Ramesh Thakur (Oxford: Oxford University Press, 2013), 242.

4.3. Promotion

Like the military, the diplomatic career is characterized by a hierarchical structure of positions.[337] In many countries, the ranks within the diplomatic career follow a descending order: ambassador, minister-counselor, counselor, secretaries (first, second, and third), and *attachés* (civil). Some countries also rank ministers and counselors.[338] Other countries, such as the United States and Canada, employ different titles for internal purposes, but with international equivalence for external purposes.

There have been numerous criticisms regarding the severity of the traditional hierarchy in many foreign ministries. To mitigate the impact of the hierarchical system and to valorize the work of those in the initial stages of their careers, it is necessary to grant them opportunities for oral and written expression of their opinions and initiatives. Rozental and Buenrostro argued that the "bureaucratic rigidities prevailing in MFAs [ministries of foreign affairs often lead to an ineffective diplomacy." They opined that "a hierarchical, vertical structure centralizes decision-making and inhibits spontaneity, creativity, and the free expression of ideas," and they concluded that it often hinders "the individual diplomat's capabilities, aptitudes, and merits."[339]

Another criticism of the hierarchy has been the slowness of promotions. Rozental and Buenrostro observed that slow progress through the steps of a pyramidal career can be a "daunting exercise." These authors emphasized that promotions based on seniority, "as the main criterion," can "stifle creativity and the expression of new ideas and result in loss of motivation." They indicated that the best antidote to avoid this discomfort is to ensure that "diplomats are politically sensitive and sufficiently specialized so that as not to need political appointees."[340]

After acknowledging the difficulty of promotion systems, Rana asserts that, in addition to factors such as seniority, skill, fairness, and

337 Jovan Kurbalija, "The Impact of the Internet and ICT on Contemporary Diplomacy," in *Diplomacy in a Globalizing World*, ed. Pauline Kerr and Geoffrey Wiseman (Oxford: Oxford University Press, 2013), 153.

338 Verbeke, *Diplomacy in Practice*, 22.

339 Rozental and Buenrostro, "Bilateral Diplomacy," 238.

340 Rozental and Buenrostro, "Bilateral Diplomacy," 238.

transparency, the cultural characteristics ("ethos") of the country must also be considered. He warns that, at times, efficiency and tradition must be balanced, always seeking to understand the experiences of other countries and the value of each system. He concludes that greater professionalism requires giving weight to performance, which means deliberately appointing young individuals and nurturing talents.[341]

There is a limited number of positions for the appointment of heads of diplomatic missions. Given this reality, as a rule, a diplomatic career no longer culminates—as observed by Rozental and Buenrostro—in an appointment as ambassador. Therefore, foreign ministries must seek alternatives to maintain the motivation and mobility of career members. Thus, there would be possibilities for parallel careers within the main one, in areas such as culture, commerce, tourism, press, and others where *attachés* contribute vital roles to larger missions, with greater or lesser responsibilities.[342]

The United States Foreign Service follows a system of personal hierarchy ("rank in person") rather than positional hierarchy ("rank in position"). In Kleiner's view, this facilitates the work of the personnel division as it can appoint foreign service officers to positions classified above, or below, their personal pay.[343]

In Brazil, the requirements for the promotion of diplomats include periods of service abroad, completion of training courses, and vertical and horizontal voting by their peers.

Promotions are incentivized by reducing the number of political appointments. In Germany, for example, almost all ambassadors are career diplomats. In recent years, only a few smaller positions have been politically filled (such as in Latvia and the Vatican)[344]. In contrast, in the United States, 30% of ambassadors are politically appointed.[345]

341 Rana, *21st Century Diplomacy,* 36.

342 Rozental and Buenrostro, "Bilateral Diplomacy," 243.

343 Juergen Kleiner, *Diplomatic Practice. Between Tradition and Innovation* (Singapore: World Scientific, 2010), 42.

344 Sutten, Cousar, and Hutchings, "Germany," 69.

345 Ronald McMullen, "United States," in Hutchings and Suri, *Modern Diplomacy in Practice,* 208.

In Brazil, the appointment of political ambassadors has been an exception. Even during the military regime, few generals were appointed. After the democratization process, there have been few significant appointments of politicians to head overseas posts. In these cases, the most coveted post was the embassy in Lisbon, where there is no need for knowledge of a foreign language.

There are differences in functions within the Brazilian diplomatic career, both abroad and in the State Secretariat. The table below indicates the functions traditionally performed in Brazil and abroad by the holders of their respective positions.

Positions	**Functions**	
	Secretariat of State	*Posts abroad*
1st Class Minister	Secretary-General, Under Secretary Department Director-General	Ambassador, Permanent Representative, Consul-General
2nd Class Minister	Department Director-General	Commissioned Ambassador, Minister-Counselor, Deputy Consul-General
Counselor	Head of Division	Head of Embassy Sector, Deputy Consul
1st Secretary	Deputy Head of Division	Head of Embassy Sector
2nd Secretary	Assistant to the Head of Division	Deputy Head of Embassy Sector
3rd Secretary	Assistant to the Head of Division	Deputy of an Embassy Sector

4.4. Rotation

Diplomats are transferred every three or four years, on average, from one post to another or to the headquarters of foreign ministries in the capital of the country.[346] In the case of difficult posts, the stay may be only two years. Most diplomatic staff, estimated Greenstock, spend between half and two-thirds of their careers in posts abroad.[347] This widespread diplomatic tradition among the careers of most countries has several causes, including reducing the "occupational risk" known as "*localitis*,"

346 Verbeke, *Diplomacy in Practice*, 27.

347 Jeremy Greenstock, The Bureaucracy: Ministry of Foreign Affairs, Foreign Service, and Other Government Departments," in *The Oxford Handbook of Modern Diplomacy*, ed. Andrew F. Cooper, Jorge Heine, and Ramesh Thakur (Oxford: Oxford University Press, 2013), 109.

consisting of diplomats unconsciously adopting the viewpoints of the country in which they are located to the detriment of the country they represent.[348] Sometimes, influenced by local thinking,[349] they begin to represent the interests of the accredited country to the accreditor.[350]

There are differences in experience among countries regarding the rotation of diplomats between posts and the headquarters of the foreign ministry. Some countries maintain a system of post classification for rotation between those with higher or lower difficulty for performance, adaptation, and personal conditions. The decision on the posts to be occupied by each diplomat generally lies with a commission that meets at the headquarters of the foreign ministries. Some countries grant the head of the post the power to influence this decision.[351] Rana advocates a system in which diplomats can apply for upcoming vacancies, thus indicating their preferences dictated by a series of personal elements. However, he acknowledged that foreign ministries unnecessarily hesitate to implement this method.[352]

In Brazil, the 1986 "Paulo Tarso reform" introduced the system of post classification between developed and developing countries and rules to maintain rotation between them.[353]

The appointment to serve in functions abroad follows distinct rites according to the diplomat's career rank, as will be seen below.

4.4.1. Chief of Mission

Not all diplomatic mission chiefs hold the title of ambassador. Members of the Commonwealth community of nations accredit High Commissioners to each other since, although they are independent states, they symbolically share the same sovereign, that of the United Kingdom. The Vatican, according to its long tradition, accredits Apostolic Nuncios,

348 Verbeke, *Diplomacy in Practice*, 27.

349 Bjola and Kornprobst, Understanding International Diplomacy, 176.

350 David Malone "The Modern Diplomatic Mission," in *The Oxford Handbook of Modern Diplomacy*, ed. Andrew F. Cooper, Jorge Heine, and Ramesh Thakur (Oxford: Oxford University Press, 2013), 126.

351 Verbeke, *Diplomacy in Practice*, 23.

352 Rana, *21st Century Diplomacy*, 35.

353 Mello Barreto, *A política externa após a redemocratização* (Brasília: FUNAG, 2012), tome I, 120.

who, in predominantly Roman Catholic states, are often considered deans of the diplomatic corps, regardless of the date of presentation of their credentials. The title of minister who headed a legation would disappear entirely by the end of the 20th century. In international organizations such as the UN and the OAS, the title of the head of the diplomatic mission is usually that of Permanent Representative.

The first Brazilian embassy to be established was in the United States (1905), to which Joaquim Nabuco was appointed.[354] In Brazilian practice, Ministers of First Class are referred to as ambassadors, even if they have not presented credentials to perform this function with a foreign government.

a) *Agrément*

The appointment of a new chief of mission is a complex process. To avoid embarrassment, their name is informally sounded out. If the host country does not object, a formal request for *agrément* or consent is submitted by the outgoing envoy.[355] This preliminary step is required by Article 4 of the VCDR. The requirement is justified by the need for a chief of mission to be acceptable to both countries to conduct relations between two states.

The delay in granting *agrément* may be related, as Roberts points out, to the nominee's performance in the previous post, their personal characteristics, or simply reflect difficult relations between the two countries. The request is usually made by the ambassador about to leave the post. However, sometimes it is requested directly in the accrediting country's capital from the ambassador of the country to which the diplomat is to be accredited.[356] If the accrediting state does not receive a response to its request for an extended period beyond the norm, it should understand that the name will not be well received and should withdraw the request for *agrément*. Once granted, this may be revoked if the nominee does not arrive in the territory of the country granting it.[357]

354 Hélio Franchini Neto and Ivy Turner, *Um pouco de diplomacia* (São Paulo: Saraiva, 2021), 29.

355 Freeman and Marks, "Diplomacy."

356 Roberts, "Diplomacy—A Short History," 104.

357 Roberts, "Diplomacy—A Short History," 105.

When *agrément* is granted, the accrediting and accrediting countries agree on a day and time for simultaneous disclosure of the nominee's name, which until then is kept confidential. However, this practice has been increasingly disregarded.

In the case of Brazil, after *agrément* is granted, the name of the nominee for the position is subjected to questioning by the Federal Senate, which may sometimes be delayed depending on the schedule of the Foreign Relations Committee of that legislative body.

Once the name is approved by the Senate plenary, administrative arrangements begin for the new ambassador to go to the post, including applying for a diplomatic visa from the country (or countries, in the case of multiple accreditations) where the diplomat is to be accredited.

A traditional diplomatic practice that some ministries still maintain, as noted by Kleiner, is to prepare their mission chiefs for the new post before they depart. They arrange meetings with individuals responsible for relations with the country of future accreditation, in other ministries and government agencies, in commercial organizations, cultural associations, private companies, and academic institutions.[358] Kleiner also notes that most ambassadors no longer receive lengthy written instructions for the new post before departing. The speed of communication has made this practice obsolete.[359]

b) Accreditation

The new chief of diplomatic mission travels to the post with their credentials, that is, a letter from the accrediting head of state introducing them as their representative to the accredited head of state. In most major capitals, a copy of the credentials is provided, without an official ceremony, to the foreign ministry, after which the newcomer may work with that agency and visit their diplomatic colleagues.

Given the costs of maintaining embassies, many countries resort to the accumulation of positions included in an ambassador's jurisdiction. Hocking informed that the phenomenon of multiple accreditations has

358 Kleiner, *Diplomatic Practice,* 53.

359 Kleiner, *Diplomatic Practice,* 54.

been added to by the appointment of non-resident ambassadors, as well as mobile ambassadors (circuit riders) who regularly visit cities or regions.[360]

The formal presentation of credentials to the head of state is usually ceremonial. In some countries, the local tradition involves going to a palace in a carriage, as in the UK, while in others it is merely a simple ceremony followed by a local drink, as in the case of Vanuatu. The ceremony includes not only the delivery of the letters of credentials but also those of revocation of those granted to the predecessor.

The date of the formal presentation of credentials determines the order of precedence of an ambassador in the local diplomatic corps. On the date set by the host country, the ambassador presents credentials in a ceremony, usually followed by a reception. On this occasion, it is customary for the accredited to speak about the objectives of their mission in the accrediting country. In the past, this practice required oratory and writing skills, which led governments to employ writers who acted as the ambassadors' secretaries in drafting speeches and reports. Among these were some of later renown, such as Dante Alighieri, Petrarch, Bocaccio, Macchiavelli, Ronsard, and Chaucer.[361]

Once the ceremony is concluded, the ambassador may introduce themselves to other ministries and no longer deal solely with the local foreign office. At the UN, credentials are handed over, without further ceremony, to the UNSG. There is no dean at the organization because turnover is very rapid; instead, the Secretariat annually draws lots for a country's name, and precedence is determined alphabetically in English starting with the name of the drawn country.

Only after the credentials have been presented is the name of the new chief of diplomatic mission included in the country's Diplomatic List, as required by Article 10 of the VCCR, thus enjoying the privileges and immunities inherent in the position. The appointment of consuls is merely notified, and the requirement for prior request and granting of *exequatur* has fallen into disuse.

360 Brian Hocking, "The Ministry of Foreign Affairs and the National Diplomatic System," in *Diplomacy in a Globalizing World*, ed. Pauline Kerr and Geoffrey Wiseman (Oxford University Press, 2013), 138.

361 Hamilton and Langhorne, *The Practice of Diplomacy*, 55.

c) Precedence

The relevance of the diplomatic precedence issue is difficult to understand nowadays unless one agrees with Verbeke, for whom the protocol rules about "who arrives first and last remain useful in a world where vanity is never far away."[362] For centuries, the medieval tradition persisted that the Pope determined the order among sovereigns. In 1504, Pope Julius II established a list of precedence, placing himself, in Nicolson's words, "first among the monarchs of the earth."[363] Below him, followed the Emperor of the Holy Roman Empire and the King of the Romans, but the question would be the precedence among the others.[364]

An incident between the ambassadors of Spain and France occurred in Denmark (1633), but it had no major consequences.[365] The issue escalated in 1661 when the new Swedish ambassador presented credentials at the court of Saint James in London. The armed retinues of the Spanish and French ambassadors vied for second place in the procession, leading to sword fights and gunfire. Louis XIV threatened Spain with war over the incident, leading the Spanish government to apologize.[366]

The issue of precedence remained unresolved, with other incidents occurring throughout the 18th century, one of which, as narrated by Roberts, when the Marquis of Pombal decided in 1760 that audiences to ambassadors accredited to the court in Lisbon would be granted according to the date of their credentials, a decision that was vehemently contested by the ambassadors of France and Spain.[367]

The issue was only resolved when French diplomacy managed to obtain, at the Congress of Vienna in 1815, a collective decision that the criterion for diplomatic precedence would be the seniority of diplomats, counted from the presentation of their credentials, just as Pombal had intended. The Congress of Aix-la-Chapelle (1818) decided that the signing of treaties would proceed in alphabetical order.

362 Verbeke, *Diplomacy in Practice*, 21.

363 Harold Nicolson, Diplomacy, 3rd edition (Oxford: Oxford University Press, 1963), 98-99.

364 Roberts, "Diplomacy—A Short History," 94.

365 Roberts, "Diplomacy—A Short History," 95.

366 Hamilton and Langhorne, *The Practice of Diplomacy*, 71.

367 Roberts, "Diplomacy—A Short History," 96.

However, the issue would not be fully resolved. For example, at the Peace Conference held in Versailles (1919), the five main Allied and Associated Powers were given precedence over other states. In some predominantly Catholic countries (including Italy and Ireland), the Apostolic Nuncio would take precedence over other ambassadors as Dean of the Diplomatic Corps.

Today, the issue of precedence is enshrined in the VCCR (Articles 13 and 16.1). However, there are still exceptions. For instance, according to Roberts, at lunches of UNSC members, representatives sit according to the order determined by that body composed of permanent and non-permanent members.[368] Citing security concerns, the Australian Protocol used to grant precedence to ambassadors from the United States and Israel at public events.

4.4.2. *Chargé d'Affaires*

There is a distinction between a *Chargé d'Affaires* accredited to the foreign ministry (Article 14 of the VCCR) and a *Chargé d'Affaires* ad interim appointed to act temporarily as the head of a mission. While the former, although provided for in the VCCR, is rarely appointed (as it tends to be for an indefinite term), the latter form of appointment is more common and occurs when the head of the mission is vacant, or the head of the mission cannot perform their duties. The appointment of a *Chargé d'Affaires* must be notified to the foreign ministry.[369] According to Article 19 of the VCCR, the appointment of a chargé d'affaires ad interim cannot be properly made after the departure of the head of the mission, except by the foreign ministry of the accrediting country.[370]

4.4.3. Other Staff

There is no need for *agrément* for other diplomats of a mission. Article 7 of the VCCR determines that the accrediting State may freely designate

368 Roberts, "Diplomacy—A Short History," 101.

369 Roberts, "Diplomacy—A Short History," 111.

370 Joanne Foakes and Eileen Denza, "The Diplomatic Mission, the Corps, Breach of Relations, and Protection of Interests," in *Satow's Diplomatic Practice*, 7th edition, ed. Ivor Roberts (Oxford: Oxford University Press, 2017), 159.

its officials. However, there have been exceptions regarding multiple accreditations, appointments of nationals of other countries than the accrediting one, and when the number of designated officials exceeds the "reasonable and normal limit." Article 11 of the VCCR grants the accredited State the right to demand this reasonableness limit considering the circumstances and conditions of the accredited State and the needs of the mission in question. This right is usually exercised only in cases where relations between the two States are deteriorated or when there are concerns about abuse as espionage.[371] However, the United States tends to question the appointment of officials they believe do not have rights to privileges and immunities given the functions for which they are designated.[372] The United Kingdom also decides whether an employee should be considered administrative, technical, or service staff based on the description of their functions. The accrediting country is free to choose the title it grants to each one, following the general rule, i.e., minister, counselor, first, second, and third secretary, or *attaché*.[373]

The accrediting country is obliged, by Article 10 of the VCCR, to notify the foreign ministry of the accredited country about the appointment, status of the employee, and final departure date of members of a diplomatic mission. Based on this information, the accredited State compiles its Diplomatic List and establishes the privileges and immunities for each member of the mission. In some countries, diplomatic identity cards or local tax exemption cards are issued.[374] The right to diplomatic license plates for staff vehicles is also examined.

Another possibility of restriction on diplomatic missions concerns the prohibition of an accrediting State (Article 12 of the VCCR) from establishing offices in locations away from where the diplomatic mission is established, unless prior express consent is given.[375]

371 Roberts, "Diplomacy—A Short History," 109.

372 Roberts, "Diplomacy—A Short History," 105.

373 Roberts, "Diplomacy—A Short History," 105-106.

374 Roberts, "Diplomacy—A Short History," 106.

375 Roberts, "Diplomacy—A Short History," 109.

4.5. Specificities

Given the peculiarities of the diplomatic career, such as the representativeness of the country's identity and the maintenance of a rotation system among positions, some aspects deserve specific examination, including diversity of representation, family challenges, and obedience in following instructions and making public statements.

4.5.1. Diversity

Until the period between the two world wars, there were no appointments of women to diplomatic positions. The first country to appoint a woman as head of a diplomatic mission was the Soviet Union in 1923. The United States began admitting women to its diplomatic career in 1925, and the first high-level appointment was for a minister in Denmark. France allowed a woman to enter the diplomatic service through examination in 1930, but at the time, the French government still did not appoint women as heads of missions.[376]

In the case of Brazil, the first woman to become a diplomat was Maria José de Castro Rebello Mendes in 1918. Eighteen more women joined the career until permission was revoked in 1938. The right to entry was only reinstated in 1954.[377]

Odette de Carvalho e Souza was the first woman promoted to first-class minister in 1956. Thereza Maria Machado Quintella was the first student of the Rio Branco Institute to become a first-class minister in 1987. She served as ambassador to Austria, Russia, and Costa Rica.

After World War II, an increasing number of women were accepted into the diplomatic career, and as Verbeke noted, more women became ambassadors, both by political appointment and by promotion. Despite these changes, some States continued not to hire or accept women as diplomats. For example, in 1970, the Vatican rejected a proposal for a minister from West Germany because she was female. On the other hand, Sweden, which allowed the entry of women into the career only in 1948,

376 Freeman and Marks, "Diplomacy."

377 Gobo and Santos, "The Social Origin," 24.

achieved gender parity in 1999.[378] Although with exceptions, women have become an accepted and rapidly growing minority in the percentages of diplomatic positions in many countries, including that of ambassadors.

Another form of diversity of great relevance concerns race or ethnicity. In countries such as Brazil and the United States and others where there has been slavery or strong immigration, including Asian immigration, such as the United Kingdom, Canada, Australia, and others, diplomacy has been challenged to adopt means for its diplomatic representation to reflect the diverse composition of their populations.

The Itamaraty created, in 2001, a scholarship system to prepare Afro-descendants for the entrance exam to the diplomatic career. From 2011, a quota policy for the entrance exam in the diplomatic career was established, initially at 10%, which increased to 20% in 2014. The system allowed the entry of 19 Afro-descendants between 2002 and 2012.[379]

4.5.2. Family

Every three or four years, the family of a diplomat must, as formulated by Verbeke, adapt to the geography, language, and culture of another country.[380] Thus, except for those who prefer to separate from their children and leave them in boarding schools in their own country (nowadays an option in very limited numbers), the family must seek not only schools and teachers for their children but also doctors and other professionals to attend to them. This reality may constitute an opportunity or a challenge that should be taken into consideration by those interested in the diplomatic career.

Support from foreign ministries for diplomat families, as pointed out by Kleiner, includes medical examinations, preparation for removals abroad, language training, assistance in finding housing and making the move from one country to another, financial assistance for school fees

378 Verbeke, *Diplomacy in Practice*, 24.

379 Christian Lequesne et al, "Ethnic Diversity in the Recruitment of Diplomats: Why Ministries of Foreign Affairs Take the Issue Seriously," in *Ministries of Foreign Affairs in the World. Actors of State Diplomacy* (Leiden/Boston: Brill/Nijhoff, 2022), 77-78.

380 Verbeke, *Diplomacy in Practice*, 25.

and for periodic trips to the home country, financial support in case of accidents, and obtaining authorization for the spouse to find work abroad and after returning to the country.[381]

As the concept of family is no longer limited to husband and wife, the choice of positions also involves the issue of acceptance of same-sex couples in countries with different cultures. Another issue to consider relates to the professional exercise of the spouse. Although bilateral agreements allow for a work permit (which is normally not allowed for those under diplomatic visas), the real possibility of obtaining employment is hindered by the necessarily temporary nature of the hiring.

In 1966, by a decree-law in the military regime, it was prohibited for diplomatic couples to serve in the same post.[382] The Paulo Tarso Reform of 1986 repealed this provision and allowed joint removals of diplomatic couples abroad.

4.5.3. Obedience

Diplomats must comply with superior instructions, something that, although seemingly obvious, poses difficulties for some entering the foreign service. According to Nicolson,

> The civil service, of which the diplomatic service is a branch, is supposed to place its experience at the disposal of the Government in power, to tender advice to it, and, if need be to raise objections. Yet, if their advice be disregarded by the Minister, as representative of the sovereign people, it is the duty and function of the civil service to execute with his instructions without further question.

Nicolson explains:

> There is an implicit, underlying contract, under this system, between the Government and the civil service. The latter are expected loyally to serve all constitutional governments

381 Kleiner, *Diplomatic Practice,* 145.

382 Fernando de Mello Barreto, *Os Sucessores do Barão. 1912-1964* (São Paulo: Editora Paz e Terra, 2001), 104.

> irrespective of party; the former, in return, are expected to accord their confidence to all civil servants, irrespective of their supposed party sympathies.[383]

Rana also addressed the situation in which the diplomat disagrees with the instructions received or is in total disagreement with the policy of their government. In the first case, he noted that there are usually means to request reconsideration of the instructions and transmit recommendations. However, that author emphasized that, at a certain point, the diplomat must comply with the instruction or request a transfer, or in extreme cases, resign from the position. He noted that such cases are rare but occur from time to time in different diplomatic services.[384]

Drawing on Albert Hirshman's ideas, Cooper analyzes three options for diplomats facing pressure from authoritarian populist governments: loyalty, voice, and exit. He notes that, on one hand, diplomacy is seen as risk-averse and characterized by hierarchical culture that leads to organizational conformity. On the other hand, concepts of national interest and reasons of state open the possibility of discomfort and potential dissent when confronted with disruption.[385] He states that loyalty to a government like Hitler's, in his opinion, can lead diplomacy to be seen as a criminal organization. He observes that, confronted with the rise of Nazism, most German diplomats opted for accommodation (loyalty). Some internally questioned the validity of the instructions (voice). However, some high-level diplomats chose to leave the career (exit), including the ambassadors in Washington and Moscow.[386] Cooper also notes that populist and authoritarian governments tend to view diplomats as disconnected globalists who have no contact with national society or public opinion.[387]

Even when operating under democratic governments, the duty of diplomatic employees to comply with instructions without further questioning can be difficult for some newcomers to the diplomatic service

383 Nicolson, *Diplomacy,* 42.

384 Rana, *21st Century Diplomacy,* 250.

385 Andrew Cooper, "The Impact of Leader-Centric Populism on Career Diplomats: Tests of Loyalty; Voice and Exit in Ministries of Foreign Affairs," in Lequesne, *Ministries of Foreign Affairs,* 150-151.

386 Cooper, "The Impact," 152.

387 Cooper, "The Impact," 155.

to accept. From a strategic point of view, it is justified for all posts abroad to maintain coherence in the expression of foreign policy. If each diplomat expresses a different opinion externally, interlocutors from other countries will not have a clear idea of the represented country's position abroad or may exploit different positions to gain advantages in negotiations.

For diplomats who do not conform to the expression of a unified thought, it can be argued that newcomers to the diplomatic service should see themselves as advocates for a single client, that is, the country they represent. If they completely disagree with their government's position, they have no alternative but to leave the diplomatic service (exit). Kleiner reported that in the United States there is a dissent channel that can be used by diplomats to express their opinion. However, that author noted that this channel is seldom used.[388]

Another way to clarify the duty to comply with instructions was also discussed by Barder when he compared it to the obligation of lawyers to seek the best arguments to defend their clients even if they insist on declaring themselves innocent and even if, in their heart, the lawyers believe they are guilty. Despite this, Barder emphasized, the lawyer should never knowingly lie in court, just as diplomats should not be untruthful when presenting or defending the country's policies. Barder also noted that public denunciation of policy by diplomats is rare. He noted that in the United Kingdom, it is illegal for diplomats to publicly denounce the country's policy or even encourage friends or acquaintances to do so, as well as anonymously leak documents. In his opinion, whistleblowing may seem like a "heroic act" to the media, but it would only be justified if all available legal means have been exhausted.[389]

Wiseman noted that many diplomats maintain their professional impartiality throughout their careers, refraining from expressing their opinions until retirement, when they may express themselves more politically in an autobiography, which is the main contribution to a retrospective ethnography.[390]

388 Kleiner, *Diplomatic Practice*, 45-46.

389 Barder, *What Diplomats Do*, 35-36.

390 Wiseman, "Expertise and Politics," 131.

4.6. Conclusions

Given its widespread ratification of the Vienna Conventions on Diplomatic and Consular Relations, according to Wiseman, it would not be an exaggeration to classify diplomacy as a rare universal profession.[391] For Verbeke, it is a calling or vocation, since it is "something that absorbs the whole of a diplomat's person." He concludes that it is "a habit," an "attitude," a "mode of being," ultimately perhaps a "way of life."[392] However, not everyone sees it as such, although the diplomatic career remains attractive to young university graduates in most countries. It offers opportunities for travel, experiences in various countries, and, in many cases, promotions to higher levels in central or federal administration. However, nowadays, there are other opportunities to obtain these benefits, whether in multinational companies or in intergovernmental and non-governmental organizations or even in other administrative bodies, whether federal, state, or municipal. In addition, entrance exams for the diplomatic career tend to be very rigorous and limited in the number of vacancies.

The quality of a country's diplomats is a determining factor for its success or failure. As summarized by Rana, "In diplomacy, effectiveness hinges not on the money spent, or number of people deployed, but on well-considered actions, nimbleness, and sound risk and gain." For that author, "The best foreign ministries optimize the talent that resides within the diplomatic services—the only real resource they possess—and pursue reform and adaptation".[393]

391 Wiseman, "Expertise and Politics," 122.

392 Verbeke, *Diplomacy in Practice*, 239.

393 Rana, *21st Century Diplomacy*, 15.

Chapter 5
Rights and Duties of Diplomats

This chapter briefly examines the rights and duties of diplomats: their evolution throughout history, the forms in which privileges take shape considering international rules (immunities, inviolability, and protection), as well as the differences between the rights and duties related to diplomatic missions and consular offices and to diplomatic and consular agents.

5.1. History

According to Freeman, diplomatic immunity began when prehistoric rulers first realized that their messengers could not perform their functions (transmit messages safely, gather information, or negotiate) unless they were treated with reciprocal hospitality and dignity.[394]

The sources of diplomatic immunities, as understood today, date back to the late medieval period and the early modern age. Legal sanctions imposed on violators of diplomatic immunity were explicit in Roman law. Canon law expanded the scope of immunities to include the residences of diplomats sent to another country. Given the dangers of travel and communication difficulties, reciprocity regarding the safety of envoys on their travels and friendly reception upon arrival was essential. According to Hamilton and Langhorne, "reciprocity represented the fundamental justification, for which religion and the laws provided both contemporarily acceptable explanations and sanctions against transgressors."[395]

Initially, diplomatic immunities were intended to grant safe conduct for the travel of envoys, especially for representatives of enemies. Immunities

394 Chas W. Freeman and Sally Marks, "Diplomacy," Politics, Law & Government, International Relations, Britannica, last modified June 19, 2022, https://britannica.com/topic/diplomacy#233733.

395 Keith Hamilton and Richard Langhorne, *The Practice of Diplomacy. Its Evolution, Theory, and Administration*, 2nd edition (Abingdon: Routledge, 2011), 48-49.

became clearly necessary after states became truly sovereign and with the spread of permanent embassies. They extended to the physical inviolability of envoys and their property even after arrival in the country.

The question of immunity from civil and criminal jurisdiction would soon face difficulties, such as in the case of an envoy incurring local debts. If they did not pay, the local creditor would be prevented from accessing the assets given as security due to civil jurisdictional immunity. In the 17th century, Dutch jurist Hugo Grotius argued that ambassadors had two international rights: the right to be admitted and the right to be free from violence. He argued, in defense of immunity, that the privilege equated the diplomat to a debtor abroad. This idea of extraterritoriality would not be effective, and several incidents would occur in the late 17th century. [396]

Civil immunities remained in force, almost universally, from the 18th century onwards, and the immunity of ambassadors, both civil and criminal, would be widely accepted and observed.[397] Montesquieu, in *L'Esprit des Lois* (1748), emphasized the need for ambassadors to be independent of the sovereigns to whom they were accredited. In *Le Droit des Gens* (1758), Swiss jurist and diplomat Vattel described the nature of diplomatic immunities, including local jurisdictional immunity, as necessary for ambassadors to perform their functions.[398] Although the French Revolution (1789) challenged the basic foundations of the *ancien régime*, it reinforced diplomatic inviolability.

In the late 19th century, the expansion of European empires would lead to the spread throughout the world of norms and customs from that continent, including diplomatic immunity. Because of the increasing number of privileges and immunities enjoyed by envoys, some theorists sought to undermine the concept of extraterritoriality by highlighting its concomitant abuses, such as granting asylum in embassies to notorious criminals and smugglers. Those who argued that diplomatic immunity law should be based on treaties and precedents endeavored to reduce what

396 Hamilton and Langhorne, *The Practice of Diplomacy*, 50-51.

397 Hamilton and Langhorne, *The Practice of Diplomacy*, 48-53.

398 Joanne Foakes and Eileen Denza, "The Diplomatic Mission, the Corps, Breach of Relations, and Protection of Interests," in *Satow's Diplomatic Practice*, 7th edition, ed. Ivor Roberts (Oxford: Oxford University Press, 2017), 222.

they considered excessive privileges of envoys. Only in the late 19th and early 20th centuries attempts were made to codify customary law, first at the Institute of International Law (1895 and 1929), second at the Havana Convention regarding Diplomatic Officers (1928), and third at the Harvard Draft Convention on Diplomatic Privileges and Immunities (1932).[399]

In the mid-20th century, there was a growing view in international law that diplomatic privileges should be limited to those necessary for a diplomat to fulfill his mission. Contributing to this view were several factors, including the explosive growth in the number of new states after World War II and the increase in the number and size of diplomatic missions. These factors led to attempts to restrict diplomatic immunities in international treaties.

Initiatives in this regard would also include consular functions since, in customary law, there were very limited immunities and privileges for consular positions and consuls.[400] After World War II, it was added that a growing number of countries had merged diplomatic and consular services. Countries had found advantages in granting tax exemptions and customs privileges on reciprocal bases and had signed bilateral agreements for this purpose.[401]

5.2. Codification

Many diplomatic practices and agreements were codified in 1946 in the UN Convention on the Privileges and Immunities of the UN. However, the initiative would prove insufficient, as in 1949, the International Law Commission (ILC) decided to include the topic "diplomatic exchange and immunities" on its list of topics suitable for codification. In that same year, UN Secretary-General Trygve Lie stated that, "in view of the continued expansion of international trade, the legal position and functions of consuls should be regulated on an as universal basis as possible."[402]

399 Corneliu Bjola and Markus Kornprobst. *Understanding International Diplomacy: Theory, Practice, and Ethics* (Abingdon: Routledge, 2018), 79.

400 Foakes and Denza, "The Diplomatic Mission," 134.

401 Foakes and Denza, "The Diplomatic Mission," 134-135.

402 Juke Lee and John Quigley, *Consular Law and Practice* (Oxford: University Press, 2008), 21.

In December 1952, the UN General Assembly requested the ILC to prioritize the issue. The special *rapporteur* on the topic, Swedish jurist Emil Sandström, presented a draft that would serve as the basis for discussions starting in 1957. The UN General Assembly gave priority to codification, and the process of drafting a convention began, culminating in 1958 with the presentation of a draft text.

In December 1959, the UN General Assembly decided to convene a conference in Vienna to consider, based on the work of the ILC, the issue of "diplomatic exchange and immunities" and to incorporate the results of its work into an international convention. The choice of the Austrian capital was not fortuitous but desired by the Austrians to associate that city with the theme of diplomatic relations, which had been successfully addressed at the end of the Napoleonic Wars.[403]

Representatives from eighty-one countries gathered in the Austrian capital from March 2 to April 14, 1961,[404] when the conference concluded its work and adopted the VCDR by seventy-two favorable votes, none opposed, and only one abstention. It entered into force on April 24, 1964, when twenty-two states had already become parties to the treaty. The VCCR was negotiated in 1963, and the choice of Vienna would also be remembered for the Consular Academy established by Empress Maria Theresa two centuries earlier for the training of consuls.[405] By the end of the 1960s, the VCDR already had ninety signatory countries. The People's Republic of China acceded to the convention in 1975. By 1990, the VCDR already had 177 signatory countries.[406]

According to some authors, such as Berridge, the interest in concluding the conventions had been to reduce abuses of immunities for illegitimate purposes; or, alternatively, to submit missions to improper harassments. Under this view, there were fears that the end of colonialism, then underway, would lead to the abandonment of diplomatic tradition, as well

403 Elen de Paula Bueno and Victor de Arruda Pereira de Oliveira, "As origens históricas da diplomacia e a evolução do conceito de proteção diplomática dos nacionais," *Anuario Mexicano de Derecho Internacional* XVII (2017): 623-649, 639.

404 Bjola and Kornprobst, *Understanding International Diplomacy*, 78-79.

405 Lee and Quigley, *Consular Law and Practice*, 22.

406 G. R. Berridge, *Diplomacy: Theory and Practice*, 6th edition (Houndmills and New York: Palgrave, 2002), 115.

as apprehension about the increase in immune individuals in major world capitals.[407] According to diplomats from formerly colonized countries (expressed in the halls of international organizations), the governments of colonizing countries, which had previously advocated broad privileges and immunities for their diplomats abroad, decided to reduce them when faced with the need to reciprocate privileges for the growing number of diplomats from former colonies.

The VCDR enshrined several of the concessions granted by bilateral agreements but still maintained some differences from those granted by the VCDR to those performing diplomatic functions and not just consular ones. It also distinguished between the privileges and immunities granted to career consuls and honorary consuls.[408]

The VCDR justifies privileges and immunities by referring to functional necessity. The preamble states that its purpose is to ensure the effective performance of the functions of diplomatic missions as representing states.[409] In other words, diplomats may not be subject to the jurisdiction of the host country, but they are not above the law, as they must respect that of the host country as much as its nationals.[410]

In general, privileges and immunities concern the property of diplomats, their places of residence and work, and their communications.[411] It is not enough for the diplomat to be the holder of a diplomatic passport and to have a diplomatic visa. Some understand, based on Article 39 of the VCDR, that the enjoyment of rights is guaranteed only from inclusion in the list of the accredited diplomatic corps by the host country.

As Verbeke pointed out, States (and their courts and tribunals) have placed certain limits on the scope of the "privileges and immunities."[412] In the decision regarding the invasion of the United States embassy in Iran, the International Court of Justice stated that the principle of inviolability does not mean "that a diplomatic agent caught in the act of committing

407 Berridge, *Diplomacy: Theory and Practice*, 112.

408 Foakes and Denza, "The Diplomatic Mission," 136.

409 Foakes and Denza, "The Diplomatic Mission," 224.

410 Johan Verbeke, *Diplomacy in Practice: A Critical Approach* (Abingdon: Routledge, 2023), 21.

411 Foakes and Denza, "The Diplomatic Mission," 222.

412 Verbeke, *Diplomacy in Practice*, 21.

an assault or other offences may not, on occasion, be briefly arrested by the police of the receiving State in order to prevent the commission of the particular crime."[413]

In 2022, the Consul General of Germany in Rio de Janeiro was accused of committing a murder. He was arrested, having a first-instance court decided to apply an exception to the rules of immunity, based on Article 41 of the Vienna Convention on Consular Relations (VCCR)[414] concerning serious crimes.

Before summarizing the privileges and immunities provided for in the Vienna Conventions, it should be noted that these do not apply to permanent representations to international organizations, as they are regulated by specific agreements between the organization concerned and the host State.[415]

5.3. Rights

The VCDR, as noted by Kleiner, mentions "privileges" and "immunities" without explaining these terms. He explains that privilege "is an exemption from laws and regulations, while immunity is a procedural protection from law enforcement".[416]

5.3.1. Immunities

The VCDR restricted the privileges granted to diplomats, their families, and officials. It granted immunity from criminal prosecution and some civil jurisdiction to diplomats (Article 31) and their families and lower levels of protection for officials, who generally received immunity only for acts committed in the exercise of their official functions. Immunities can be divided into two types: those of a personal nature for diplomats and those granted to diplomatic and consular missions.

413 Juergen Kleiner, *Diplomatic Practice. Between Tradition and Innovation* (Singapore: World Scientific, 2010), 133.

414 "Justiça decreta prisão de cônsul alemão no Rio," *Agência Brasil*. August 7, 2022, https://agenciabrasil.ebc.com.br/geral/noticia/2022-08/justica-decreta-prisao-preventiva-de-consul-da-alemanha-no-rio.

415 Verbeke, *Diplomacy in Practice*, 27.

416 Kleiner, *Diplomatic Practice,* 129.

a) Personal Immunities

Diplomats enjoy immunity from the criminal jurisdiction of the receiving State. They also enjoy immunity from the civil and administrative jurisdiction. According to Kleiner, the exceptions provided in the VCDR (Article 31, para. 1) relate to the diplomat's private life and consist of three cases related to his or hers real estate in the receiving State, to succession and to commercial activity in the host state.[417] Fox notes that the UN Convention on the Jurisdictional Immunities of States and Their Property (2004) provided for the requirements for state immunity, with two exceptions: commercial transactions and employment contracts, two areas still subject to differences and uncertainties.[418]

Diplomatic immunity may be waived by the sending State but not by the diplomat. This is provided for in Article 31, § 1 of the VCDR. It must be expressed and follow the procedures of the sending State. Kleiner further observes that states are reluctant to waive immunities for fear of setting precedents. They prefer to recall the diplomat.[419]

In the host State, the foreign envoy is exempt from performing public services, such as military service, serving as a juror, or providing emergency assistance, as well as from contributing to local social security unless the system allows it (Article 33 of the VCDR).

According to Kleiner, diplomats must pay indirect taxes that are incorporated into the price of goods and service (Article 34, lit. a of the VCDR), however, many countries grant diplomats also exemption from indirect taxes based on reciprocity. Regarding taxes on imports, Article 36, § 1 of the VCDR exempts items for personal use, but based on a generic rule on Article 11, some countries impose restrictions. [420] For instance, they establish limits on the quantity and length of possession for vehicles before they can be sold.

417 Kleiner, *Diplomatic Practice*, 137.

418 Hazel Fox, "Privileges and Immunities of the State, The Heads of State, State Officials, and State Agencies," in *Satow's Diplomatic Practice*, 7th edition, ed. Ivor Roberts (Oxford: Oxford University Press, 2017), 200.

419 Kleiner, *Diplomatic Practice,* 139.

420 Kleiner, *Diplomatic Practice,* 141.

Administrative, technical, support staff, and domestic employees, according to Article 37, § 2, enjoy inviolability, immunity from criminal prosecution and from testifying, as well as from performing public services, contributing to social security, and paying taxes. However, locally hired personnel, nationals, or residents of the host country do not enjoy any privileges or immunities.[421]

b) Mission Immunity

The head of mission's residence and the chancery are viewed as extraterritorial. In Freeman's opinion, the legal fiction is maintained that these premises are part of the sending state's territory, not that of the host state; even local firefighters cannot enter "foreign territory" without consent. In his opinion, for this reason, political opponents of harsh regimes often seek asylum in embassies, legations, and nunciatures. He pointed out that, although widely practiced, the right of political asylum is not established in international law except in Latin America.[422]

The physical property of the mission also enjoys immunities and privileges. The flag and emblem of the sending State may be displayed at the chancery and the residence and vehicles of the head of the mission (Article 20). The flag is usually flown at half-mast on the death of either the head of the accrediting or accredited state.[423]

5.3.2. Inviolability

The inviolability of the ambassador's residence was enshrined in customary law during the 18th century. Until then, it varied in each city. Grotius stated that the diplomatic residence, by legal fiction, was considered located outside the territory of the State where the diplomat was residing. According to Fox, "it is now everywhere accepted that it does not mean that the diplomat is not legally present in the receiving State or that the embassy is deemed to be foreign territory."[424]

421 Kleiner, *Diplomatic Practice*, 143.

422 Freeman, "Diplomacy."

423 Foakes and Denza, "The Diplomatic Mission," 157.

424 Fox, "Privileges and Immunities," 225.

Diplomatic agents and their family members are inviolable, not subject to arrest or worse punishment in times of war (Article 29). Their homes are also inviolable, and they are largely outside the criminal and civil jurisdiction of the host State—even as witnesses—although many missions waive some exemptions, especially for parking fines.

The archives and official documents of the mission are inviolable (Article 27 § 1 of the VCCR). Even if relations are severed or war is declared, the ambassador has the right to ensure communication with their capital and other missions. The diplomatic bag and correspondence are inviolable (Article 27 §§ 2 and 3 of the VCCR). However, a wireless transmitter can only be installed in the mission with the consent of the host State (Article 27 § 1 of the VCCR).

Generally, there is identical treatment for those performing diplomatic and consular functions: tax exemption subject to similar exceptions, exemption from customs duties and inspection of personal baggage, exemption from social security obligations and personal, public, and military service.[425] However, there are exceptions regarding the inviolability of the consular premises. If there is a fire or disaster, authorities may presume authorization from the head of the consular post to enter. This presumption does not exist in diplomatic premises. If there is expropriation of the consular premises, this may occur provided prompt compensation is made. This could not happen with diplomatic premises unless with the consent of the sending State. Regarding freedom of communications, the VCCR allows authorities to request that consular bags be opened in the presence of a representative of the sending State if there is reasonable suspicion of something other than permissible official contents.[426]

5.3.3. Protection and Security

According to Freeman, the ultimate security of the embassy is universally recognized as the responsibility of the host State. Most States are "scrupulous in treating foreign diplomats and their missions as honored guests deserving protection against intrusions into the premises where

425 Foakes and Denza, "The Diplomatic Mission," 138.

426 Foakes and Denza, "The Diplomatic Mission," 137.

they live and work." Host countries, in the opinion of that author, are naturally concerned that reciprocal violations of privileges and immunities will affect their own embassies on foreign soil if they allow them in their capital."[427]

In 1900, one of the most well-known cases of disrespect for European notions of diplomatic practice occurred when, for fifty-five days, foreign legations in Beijing were sieged by a movement known as the Boxers, an anti-West movement conducted with the complicity of the Chinese government, followed by the shooting of the German minister to China. The situation was only resolved after the intervention of an international force.[428] Another case of lack of protection for a diplomatic mission occurred in Iran in 1979—already under the VCDR—when a group of students invaded the US embassy and held American diplomats hostage for 444 days. The US government considered the situation a violation of the VCDR. The ICJ condemned the violation of Article 29 of the VCDR in firm terms,[429] especially as it continued without any action from the Iranian government. In 2024, the government of Ecuador invaded the Mexican embassy in Quito and arrested a former Ecuadorian president who had obtained diplomatic asylum. Mexico immediately brought the case to the OAS and the ICJ and was the subject of widespread diplomatic protests by other Latin American countries.

5.4. Duties

The duties of diplomats provided for in the VCDR, in addition to obeying the legislation like everyone else in a country, concern the discretion of their actions, that is, they should not interfere in internal affairs and keep the local chancellery informed of their activities. As will be seen in subsequent chapters, especially that concerning public diplomacy, these restrictions have been challenged by the explosion of media and actors operating in the diplomatic sphere.

427 Freeman, "Diplomacy."

428 Hamilton and Langhorne, *The Practice of Diplomacy*, 116-117.

429 Kleiner, *Diplomatic Practice,* 131.

5.4.1. Non-Intervention

The concept of sovereignty, according to Kleiner, was invented as a legal weapon to fight anarchy inside a country. Since the French Revolution, it has also been used against the intervention by another State. The French Constitution of 1793 stated that "It [the French people] does not interfere into the affairs of other nations; it does not tolerate that other nations interfere into its affairs." For that author, sovereignty became the building block for the international order.[430]

The initial draft of the VCDR, stemming from the ILC, did not include a rule of non-interference in internal affairs, although the rule appeared in existing draft codes and the Havana Convention on Diplomatic Officers. Faced with this gap, according to Behrens, two members of the ILC (Luís Padilla Nervo, from Mexico, and Francisco García Amador, from Cuba) proposed (1957) that the prohibition of interference be part of the discussions. Padilla Nervo presented an amendment that was discussed in several meetings and became part of the set of article drafts that the ILC included in its Report to the UNGA. The relevant wording began to affirm that beneficiaries of diplomatic privileges and immunities also had a duty not to interfere in the internal affairs of that State.[431]

The prohibition of interference (Article 41§1 of the Convention) would influence the drafting of several subsequent instruments dealing with privileges and immunities—among them: the VCCR (1963), the Convention on Special Missions (1969), the Convention on the Representation of States in their Relations with Universal International Organizations (1975), the Agreement on the Privileges and Immunities of the Special Tribunal for the Law of the Sea (1997), and the Agreement on the Privileges and Immunities of the International Criminal Court—ICC (2002).

In addressing the issue of embassies not interfering in the internal affairs of the host country, Bjola and Kornprobst expressed the understanding that, as conceived in the VCDR, diplomatic missions are vehicles for facilitating State-to-State communication. They are not vehicles that entitle

430 Kleiner, *Diplomatic Practice*, 76.

431 Paul Behrens, *Diplomatic Interference and the Law* (Oxford: Hart Publishing, 2016), 35-36.

a mission to try to influence the broader public in the host country.[432] In fact, although those authors referred to a duty of embassies, as noted by Kleiner, the prohibition of intervention is a personal duty of diplomats. The reference to non-intervention in foreign relations was dropped during the VCDR discussions because, in the opinion of that author, it is the task of a diplomat to influence the foreign policy of the receiving country.[433]

5.4.2. Duty to Inform

To prevent the activity of information collection from becoming espionage, the Vienna Convention (Article 41, § 2) included recommendations for embassies to channel information through the local chancellery. These include obtaining permission to open offices, increasing the number of accredited diplomats, and requesting authorization for radio communications.[434] Some chancelleries request that diplomatic missions send at least copies of communications with other public bodies to the chancelleries of the accredited State.[435] In the practice of modern diplomacy in democratic countries, this obligation to keep the local chancellery as the sole interlocutor of embassies proves to be ineffective and outdated in the face of new means of communication.

5.5. Conclusion

The rights and duties of diplomats guaranteed by international law ensure working conditions for diplomats, although they are not currently as extensive as they were previously, during the height of diplomatic prestige in the 19th century, even though at that time they were not guaranteed by universal agreement. As Rana observed, "diplomacy now involves many different players; it works in ways that were not envisaged by the framers of the VCDR, the bedrock of interstate diplomacy."[436]

432 Bjola and Kornprobst, *Understanding International Diplomacy*, 80.

433 Kleiner, *Diplomatic Practice*, 77.

434 Berridge, *Diplomacy: Theory and Practice*, 115.

435 Kleiner, *Diplomatic Practice*, 36.

436 Rana, *21st Century Diplomacy*, 12.

There is a need for a revision of both Vienna Conventions and eventually a merger of the two to meet the needs of a globalized and more agile world in terms of transportation and communications. Until this occurs, the two conventions continue to guarantee the stability and security of diplomatic work in their missions of bringing countries closer together and reducing conflicts. As Wiseman observed, "there have been serious historical violations of the Vienna Convention and customary norms, but the exceptions tend to confirm the existence of a universal diplomatic norm recognized by States with differing political systems."[437]

437 Geofrey Wiseman, "Expertise and Politics in Ministries of Foreign Affairs: The Politician-Diplomat Nexus," in *Ministries of Foreign Affairs in the World. Actors of State Diplomacy*, ed. Christian Lequesne (Leiden/Boston: Brill/Nijhoff, 2022), 137.

Chapter 6
Diplomatic Functions

According to Article 3 of the VCDR, the functions of a diplomatic mission include: representing the accrediting State to the accredited State; protecting the interests of the accrediting State and its nationals, within the limits allowed by international law; promoting friendly relations and developing economic, cultural, and scientific relations between the accrediting State and the accredited State; becoming acquainted by all lawful means with the conditions and developments in the accredited State and informing the accrediting State's government about them; and negotiating with the Government of the accredited State.

6.1. Representation

The representation of the State in the accreditation country, according to Roberts, "is listed first at the VCDR because it describes not merely ceremonial appearances and acts by an ambassador but embraces all the subsequently named functions."[438] Also for Kleiner, representation is a generic term used as an overall characteristic of the activities of a diplomatic mission.[439]

The function includes, according to Verbeke, activities "ranging from attendance at state ceremonial occasions, paying visits to local authorities and giving public lectures at universities, to appearing on television".[440] In Malone's opinion, "targeted hospitality" is more useful for securing the ear and sharing analysis than formal meetings in the presence of note-takers.[441]

438 Ivor Roberts, "Diplomacy—A Short History from Pre-Classical Origins to the Fall of the Berlin Wall," in *Satow's Diplomatic Practice*, 7th edition, ed. Ivor Roberts (Oxford: Oxford University Press, 2017), 78.

439 Juergen Kleiner, *Diplomatic Practice. Between Tradition and Innovation* (Singapore: World Scientific, 2010), 51.

440 Johan Verbeke, *Diplomacy in Practice: A Critical Approach* (Abingdon: Routledge, 2023), 29.

441 David Malone "The Modern Diplomatic Mission," in *The Oxford Handbook of Modern Diplomacy*, ed. Andrew F. Cooper, Jorge Heine, and Ramesh Thakur (Oxford: Oxford University Press, 2013), 126.

Diplomatic receptions are organized, as noted by Rana, for important events, including the national day of the country and visits by high-ranking personalities or authorities. They provide an opportunity for the visitor to meet counterparts and reciprocate the hospitality of the host country. In some countries, sponsorship is obtained from companies interested in exporting products and services from the accredited country. In that author's opinion, such "commercialization" has so far been anathema to most non-Western countries.[442]

On national dates, heads of missions often host receptions, occasions where they receive greetings from guests and colleagues from the diplomatic corps.[443] In this social activity, diplomats are expected to get close to influential people to foster business, promote trade, art, literature, and sports. To do so, as Nicolson advised, diplomats should also travel throughout the country where they are accredited to understand local conditions and meet compatriots established abroad.[444]

6.2. Protection of Interests

The protection of the interests of the represented State and its nationals is the second of the diplomatic functions listed in the VCDR. In performing this task, according to Berridge, embassies are tasked, among other things, with clarifying the positions of the represented country, whether to reassure, alarm, encourage, or deter the other country. For this purpose, the ambassador may supplement written messages with verbal explanations.[445]

Article 3 of the VCDR expressly states that, in protecting the interests of the accrediting State and its nationals, the diplomatic mission acts within the limits permitted by international law, considering the duty

442 Kishan S. Rana, *21st Century Diplomacy. A Practitioner's Guide* (London: Bloomsbury, 2011), 322.

443 Joanne Foakes and Eileen Denza, "The Diplomatic Mission, the Corps, Breach of Relations, and Protection of Interests," in *Satow's Diplomatic Practice*, 7th edition, ed. Ivor Roberts (Oxford: Oxford University Press, 2017), 156.

444 Harold Nicolson, *Diplomacy*, 3rd edition (Oxford: Oxford University Press, 1963), 109.

445 G. R. Berridge, *Diplomacy: Theory and Practice*, 6th edition (Houndmills and New York: Palgrave, 2002), 121.

of diplomats, as provided for in Article 41, not to interfere in internal affairs,[446] as discussed in the previous chapter.

6.3. Promotion of Relations

In Berridge's opinion, the first duty of an embassy is to promote the policies of the represented country. This activity requires establishing friendly relations with various sectors of local society, creating networks connected with the embassy to facilitate gaining influence and collecting information, especially in times of crisis. This task, according to that author, can be well executed by professionals familiar with the customs and language of the country, knowledgeable about local sensitivities so as not to offend them.[447]

Article 3, § 1, lit e, of the VCDR, as noted by Kleiner, lists areas in which cooperation is particularly desirable: economy, culture, and science. The author also recalls that the UN Declaration of Principles of International Law (1970) expressly calls on States to cooperate in these areas and adds to these both the social field and technology.[448]

The promotion of interests can also be seen as a form of lobbying to defend the interests of the represented country. This activity serves to prepare negotiations, supplement existing ones, or even exert influence on votes in multilateral forums. The lobbying activity merges with the promotion of relations since it also consists of hosting receptions for authorities, businessmen, and influencers of public opinion. In some capitals, local culture does not allow this activity; in others, such as in Washington, D.C., it is an essential task for achieving results, especially with Congress and think tanks. The opportunities to promote goodwill with the interests of the accrediting country include giving public lectures, but not all diplomatic services, notes Malone, provide training for such activity.[449]

446 Roberts, "Diplomacy—A Short History," 79.

447 Berridge, *Diplomacy*, 118-119.

448 Kleiner, *Diplomatic Practice*, 61-62.

449 Malone, "The Modern Diplomatic Mission," 126.

6.4. Information

The obligation to inform, as a compulsory activity, dates to the diplomatic missions of Venice in the 13th century,[450] probably under Byzantine influence. It has been recognized as one of the most important functions of a diplomatic mission.[451]

Article 3, paragraph 1, lit d, of the VCDR obliges diplomatic missions to ascertain events in the receiving State only by "all lawful means," language used to explain the diplomatic function of observing and informing the situation of a country without illegally spying on it.[452] It involves the activity of observing, collecting, and analyzing information about the country, namely its political, social, and economic aspects. This is often facilitated by exchanging information with other members of the diplomatic corps and embassy staff familiar with the country. Some information, as noted by Malone, is obtained socially, in the so-called "cocktail circuit."[453]

The obtained information is transmitted via telegram, telephone, fax, and email, usually encrypted to protect confidentiality. One of the ambassador's main tasks, as summarized by Freeman, is to anticipate a developing crisis, a task accomplished through collecting information from a variety of sources and using experience and specialized knowledge in identifying, analyzing, and interpreting emerging key issues, patterns, and their implications.[454]

The ambassador's duty is to advise and alert, and it is expected that they inform their government in detail and without distortion about the content of their conversations with the foreign minister, prime minister, and other important officials and politicians of the host country. Kleiner summarized this aspect of diplomatic functions as follows: "civil servants advise, and politicians decide".[455]

450 Jovan Kurbalija, "The Impact of the Internet and ICT on Contemporary Diplomacy," in *Diplomacy in a Globalizing World*, ed. Pauine Kerr and Geoffrey Wiseman (Oxford: Oxford University Press, 2013), 155.

451 Verbeke, *Diplomacy in Practice*, 29.

452 Kleiner, *Diplomatic Practice*, 61.

453 Malone, "The Modern Diplomatic Mission," 125.

454 Chas W. Freeman and Sally Marks, "Diplomacy," Politics, Law & Government, International Relations, Britannica, last modified June 19, 2022, https://britannica.com/topic/diplomacy#233733.

455 Kleiner, *Diplomatic Practice*, 45.

The task of informing is short-term and cumulative and, as noted by Barston, resembles diplomatic journalism.[456] However, this task differs from that performed by foreign correspondents, as embassy information cannot be censored. As Bull has observed, diplomats enjoy knowledge derived from personal and daily dealings with the top political layers where the diplomat is accredited.[457]Additionally, journalists are not tasked with negotiating, one of the main activities in diplomacy. This means that diplomats also have the role of advising their government based on their local knowledge. For this purpose, some countries maintain the tradition of convening periodic and ad hoc meetings of ambassadors and consuls in the capital to discuss policies.[458]

The task of collecting and transmitting information consumes a substantial part of daily diplomatic work, being, in Kurbalija's opinion, one of the key elements of the profession.[459] The way messages are exchanged between diplomatic posts and capitals is traditionally called telegrams, although this form of communication is no longer used. The "long telegram," sent in 1946 by US diplomat George Kennan, constitutes, for Bjola and Kornprobst, the greatest example of policy changes due to this type of information process, in this case, between the US embassy in Moscow and the State Department in Washington.[460]

The rapid growth of the international electronic information network, as noted by Hocking, has reduced the importance of traditional diplomatic reports as opposed to well-focused policy advice.[461] However, modern communication has undermined, in Garston's opinion, the role of information evaluation.[462] Nevertheless, as observed by Gilboa, diplomats can still receive sensitive information from their policymakers

456 R. P. Barston, *Modern Diplomacy*, 5th edition (Abingdon: Routledge, 2019), 25.

457 Hedley Bull, *Sociedade anárquica: um estudo da ordem na política mundial* (Brasília: Universidade de Brasília, 2002), quoted in Hélio Franchini Neto e Ivy Turner, *Um pouco de diplomacia* (São Paulo: Saraiva, 2021), 59.

458 Berridge, *Diplomacy: Theory and Practice*, 123.

459 Kurbalija, "The Impact," 154.

460 Corneliu Bjola and Markus Kornprobst. *Understanding International Diplomacy: Theory, Practice and Ethics* (Abingdon: Routledge, 2018), 95-96.

461 Brian Hocking, "The Ministry of Foreign Affairs and the National Diplomatic System," in *Diplomacy in a Globalizing World*, ed. Pauline Kerr and Geoffrey Wiseman (Oxford University Press, 2013), 136.

462 Barston, *Modern Diplomacy*, 8.

not available from open sources, making them better positioned to assess the importance and validity of information available in the international electronic network.[463] In Kleiner's formulation, it is the diplomat's work to ascertain information and assess its relevance to his or her country and the host country's foreign policy.[464]

When informing their foreign ministries, Greenstock opined that diplomats no longer find it possible to coordinate the total interface with other States' representatives or to claim a monopoly on the treatment or interpretation of external factors in the set of interests in their countries.[465] On the other hand, the relevance of diplomatic skills has not disappeared after the advent of increased competition in information gathering, analysis, and direct communication.[466]

Since the beginning of the twentieth century, diplomats have shifted from relying on internal resources to information available outside diplomatic services, mainly on electronically available search engines.[467] Currently, diplomats extensively use such tools for internal communication and information management. Some foreign ministries, as informed by Kurbalija, have created their own digital encyclopedias to facilitate access to information.[468] On the other hand, as noted by Malone, the sending of reports with information to capitals was partly demystified after 2010, when WikiLeaks released diplomatic documents.[469] Whereas previously reports were imagined to be politically sophisticated, in practice, they often turned out to be prosaic or containing publicly known information.

463 Eytan Gilboa, CDigital Diplomacy," in *The Sage Handbook of Diplomacy*, ed. Costas M. Constantinou, Pauline Kerr, and Paul Sharp (London: Sage, 2016), 543.

464 Kleiner, *Diplomatic Practice,* 59.

465 Jeremy Greenstock, VThe Bureaucracy: Ministry of Foreign Affairs, Foreign Service, and Other Government Departments," in *The Oxford Handbook of Modern Diplomacy*, ed. Andrew F. Cooper, Jorge Heine, and Ramesh Thakur (Oxford: Oxford University Press, 2013), 107.

466 Greenstock, "The Cureaucracy," 108.

467 Kurbalija, "The Impact," 155.

468 Kurbalija, "The Impact," 156.

469 Malone, "The Modern Diplomatic Mission," 125.

6.5. Negotiation

Given the high relevance and density of this function, it will be examined separately in the following Chapters 7 and 8.

6.6. Conclusions

By the end of the 1960s, Nicolson affirmed that the diplomatic functions fell under two headings: "he reports to his own government, and he negotiates with the government to which he has been accredited."[470] Currently, in Freeman's opinion, the diplomat's most demanding daily activities remain reporting, analyzing, and negotiating.[471] Rozental and Buenrostro considered that nowadays, in view of the increase and digital sources of information and analyses, the diplomat's challenge is to dissect the implications of events to the relations of the country he or she represents.[472] Although some have lost relevance, all the functions listed in the Vienna Conventions, and others not included therein, continue to be performed and refined in an increasingly interconnected world of universal interests.

470 Nicolson, *Diplomacy*.

471 Freeman, "Diplomacy."

472 Andrés Rozental and Alicia Buenrostro, "Bilateral Diplomacy," in *The Oxford Handbook of Modern Diplomacy*, ed. Andrew F. Cooper, Jorge Heine, and Ramesh Thakur (Oxford: Oxford University Press, 2013), 232.

Chapter 7
Diplomatic Negotiation

In Zartman's opinion, diplomacy is primarily negotiation, which in turn also constitutes the main activity of foreign policy and international relations.[473] It is so relevant that professional diplomacy was summarized by Bull as a repertoire of specialized negotiation techniques.[474]

7.1. Concept

For Barston, a diplomatic negotiation constitutes not a certainty, but an attempt to explore and reconcile conflicting positions to achieve an acceptable outcome.[475] The "secret" of diplomatic negotiation, according to Callières, is to find the means to share common advantages and carry them forward.[476] After all, as Khanna said, "diplomacy is not about perfection, but accommodation."[477]

Negotiation has increasingly become the preferred instrument for resolving disputes between countries. Its failure can lead to war. In addition to the desire to maintain peace, several other reasons have been pointed out to explain the increase in the number of diplomatic negotiations. One of them would be the greater density of interactions between countries because of globalization. Another would be the rapid growth in the number of international institutions in the 20th century, which would have boosted negotiating processes.[478]

473 William Zartman, "Diplomacy as Negotiation and Mediation," in *Diplomacy in a Globalizing World: Theories and Practices*, ed. Pauline Kerr and Geoffrey Wiseman (Oxford: Oxford University Press, 2013), 103.

474 Hedley Bull, *Sociedade anárquica: um estudo da ordem na política mundial* (Brasília: Universidade de Brasília, 2002), 207, quoted in Hélio Franchini Neto and Ivy Turner, *Um pouco de diplomacia* (São Paulo: Saraiva, 2021), 57.

475 R. P. Barston, *Modern Diplomacy*, 5th edition (Abingdon: Routledge, 2019), 53.

476 François de Callières, *Negociar: a mais útil das artes* (Rio de Janeiro: Edições de Janeiro, 2019), 74.

477 Parag Khanna. *How to Run the World: Charting a Course to the Next Renaissance*, Kindle ed. (New York: Random House Publishing Group, 2011), 429.

478 Fen Osler Hampson, Chester A. Crocker and Pamela Aall, "Negotiation," in *The Oxford Handbook of Modern Diplomacy*, ed. Andrew Cooper, Jorge Heine, and Ramesh Thakur (Oxford: Oxford University Press, 2013), 319-320.

Although there are various forms of adjudication, arbitration, and judicial measures, countries, according to Hampson et al., do not make use of these due to sovereignty reasons, preferring to bargain and negotiate directly. As they observed, following liberal ideas inspired by Emmanuel Kant, democratic countries prefer negotiation to manage their international relations.[479]

7.2. Process

According to Freeman, diplomatic negotiation is a complex process aimed at reaching an agreement based on mutual concessions, which does not always occur since the goal is not necessarily this, but rather to defend the interests, a function entrusted to the ambassador.[480]

7.2.1. Negotiators

Negotiators, Freeman reminds us, are usually diplomats under instructions from their foreign ministries, where strategies are defined. When negotiating, diplomats may sometimes be authorized to establish tactics according to the circumstances. Freeman recommends that, whatever the issue at hand, the diplomatic negotiator must demonstrate qualities and abilities including reliability, credibility, accuracy, courage, and patience. He added that "the negotiator must be persuasive, flexible, tenacious, and creative in devising new solutions or reframing issues from a new angle to convince the other party that the agreement is in its interest." They should know when to use threats, warnings, or concessions.[481]

The art of negotiating is seriously hampered, Nicolson said, when one powerful negotiator demands concessions from another negotiator without ensuring, on his part, that his promises will also be fulfilled.[482] When negotiations become tense, Robert Cooper emphasizes, diplomats and even state ministers can maintain friendly relations with their

479 Hampson, Crocker, and Aall, "Negotiation," 320.

480 Chas W. Freeman and Sally Marks, "Diplomacy," Politics, Law & Government, International Relations, Britannica, last modified June 19, 2022, https://britannica.com/topic/diplomacy#233733.

481 Freeman, "Diplomacy."

482 Harold Nicolson, *Diplomacy*, 3rd edition (Oxford: Oxford University Press, 1963), 46.

counterparts by explaining that they are only following instructions, which prevents disputes from becoming personal.[483]

Negotiations vary, according to Freeman, depending on the degree of friendship or enmity between the negotiating states, the similarity or disparity of powers, and the level of interest in an agreement.[484] Some more difficult negotiations may open new paths, while others may result in the creation of institutions for cooperation or regulations. The defining characteristics of a negotiation, according to Zartman, include the rule of unanimity of decisions, the formal equality of the parties, varied motivations (common and conflicting interests), and the process of exchanging offers and requests (contrary, favorable, or just to continue the conversation).[485]

7.2.2. Phases

Negotiations begin when parties share common interests to negotiate, even if there are areas of disagreement to be smoothed out. In theoretical terms, according to Berridge's analysis, negotiations typically have three phases: prenegotiation, formulation, and details.[486] Sometimes, impasses occur, or momentum is lost, leading to delays. Multilateral negotiations, as pointed out by Barston, are preceded by lobbying, informal presentation of a draft resolution, exchange of proposals, and other forms of consultation.[487] In practice, however, these phases often overlap or experience setbacks due to emerging difficulties.[488]

a) Prenegotiation

Before they meet, as described by Berridge, parties seek agreements on the need to negotiate, agenda (content and order of items to be negotiated), and procedural issues (format, venue, delegation, and timing).[489]

483 Robert Cooper, *The Ambassadors: Thinking about Diplomacy from Machiavelli to Modern Times* (London: Weidenfeld & Nicolson, 2021), 89.

484 Freeman, "Diplomacy."

485 Zartman, "Diplomacy as Negotiation," 112.

486 G. R. Berridge, *Diplomacy: Theory and Practice*, 6th edition (Houndmills and New York: Palgrave, 2002), 27.

487 Barston, *Modern Diplomacy*, 53.

488 Berridge, *Diplomacy: Theory and Practice*, 28.

489 Berridge, *Diplomacy: Theory and Practice*, 29-45.

b) Formulation

In the second phase, parties gather around a table (nowadays, either in person or virtually). This phase tends to be more formal, and there is generally public knowledge of its occurrence.[490] Initially, as noted by Berridge, parties attempt to establish the basic principles of an agreement. They seek to determine the configuration (framework), that is, the guidelines to follow. Comprehensiveness, balance, and flexibility, observes Berridge, are some parameters sought in this phase. Some items may be noted but postponed for later consideration. Each party's strategies will depend on the timing and nature of the pressures faced by each party. It is expected that each party receives something to achieve a certain balance in the exchanges.[491]

The configuration, as observed by Berridge, should allow for some flexibility so that each side can believe in improving its position in the details phase. General principles should be deduced immediately by negotiators during this phase. Otherwise, they may be examined step by step through an inductive approach.[492]

In this phase, a central issue, as recalled by Barston, is deciding whether negotiations are held on agreed topics as separate items to be addressed in accordance with the agenda order, or in parallel. Side talks can streamline and facilitate bargaining between sectors. Stakeholders in one or two central issues tend to prefer sector-by-sector talks without parallel discussions to maintain focus on the central issue.[493]

Other issues in the configuration phase, still according to Barston, relate to the stipulation or not of time limits on the meeting schedule; open or closed form in building blocks or negotiated texts; and the follow-up or not of existing reference texts in international organizations. Other considerations in this phase relate to national policy variables linked to negotiations, the cohesion of a government or its representatives,

490 Berridge, *Diplomacy: Theory and Practice*, 46.

491 Berridge, *Diplomacy: Theory and Practice*, 47.

492 Berridge, *Diplomacy: Theory and Practice*, 47.

493 Barston, *Modern Diplomacy*, 59.

the willingness to reassess positions, changes of government, and other factors affecting negotiations.[494]

Smaller and easier issues, as noted by Freeman, are usually addressed first to form an area of understanding quickly valued so that prospects for progress can be created. More difficult issues are deferred and minimized. In most negotiations, initial demands far exceed expectations,[495] and concessions are usually made in small doses and slowly (to the exasperation of those unaccustomed to the process). There may also be, according to Freeman, "bluffing to gain an edge, though it is important for diplomats not to be caught bluffing."[496]

c) Details

Once the formulation goal is achieved, details must be added. In the final phase, the parties try to agree on them, addressing difficulties (such as negotiation terms and expert participation) until reaching the "moment of truth." Details are negotiated through reconciliation on specific topics or through bargaining (*quid pro quo*).[497] In this phase, as emphasized by Berridge, difficulties may arise (such as unexpected complications, definition of terms, and participation of specialists) that may require changes in strategies (such as reconciling topics and exchanging concessions).[498]

In negotiating an agreement, other, not minor issues, in Berridge's opinion, concern the choice of language or languages in which it should be signed, the equality of authority of the resulting texts, and ancillary clauses, sometimes in small print to disguise sensitive concessions.[499] Agreements often include euphemisms to avoid describing concessions, although they become less precise.[500] This is what is popularly referred to in the UN as "constructive ambiguity" sought when drafting resolutions

494 Barston, *Modern Diplomacy*, 60.

495 Freeman, "Diplomacy."

496 Freeman, "Diplomacy."

497 Berridge, *Diplomacy: Theory and Practice*, 46-53.

498 Berridge, *Diplomacy: Theory and Practice*, 50.

499 Berridge, *Diplomacy: Theory and Practice*, 79-81.

500 Berridge, *Diplomacy: Theory and Practice*, 82.

for which consensus is difficult to achieve, although the main points have been agreed upon.

d) Momentum

Negotiations, Barston observes, have their dynamics of pace, flow, progress, impasses, and shift to conclusion. Momentum can be gained or lost. Negotiations can drag on and become routine or inconclusive or, conversely, can accelerate to a successful conclusion. This dynamic, he added, is influenced by internal and external variables.[501]

Momentum—noted Berridge—may be lost during negotiations for various reasons, such as the withdrawal of negotiators and deliberate delays due to increased complexity of the negotiation. Delays can also occur for reasons such as one party's desire to demoralize the negotiations, provide an opportunity for domestic sabotage, or divert attention to other items on the negotiation agendas.[502]

To regain momentum, Berridge added, negotiators resort to tactics such as stipulating artificial, symbolic, or pragmatic deadlines; using metaphors (comparing the progress of negotiations to the movement of a car or train), or the media to launch "trial balloons," mobilize the public, create expectations of concluding negotiations, or raise the level of negotiators.[503] As recommended by Barston, momentum can be regained in regular negotiation sessions, through the use of contact groups or third parties, as well as by accelerating concessions. Negotiators may also set deadlines or even present an ultimatum.[504]

e) Obstacles

Obstacles that arise during negotiation, Freeman found, are usually addressed in two classic ways: addressing issues piecemeal or establishing a structure of agreed principles from the outset. The latter works well but, if it cannot be done, a fragmented approach is necessary.[505]

501 Barston, *Modern Diplomacy*, 83.

502 Berridge, *Diplomacy: Theory and Practice*, 56.

503 Berridge, *Diplomacy: Theory and Practice*, 56-72.

504 Barston, *Modern Diplomacy*, 66-67.

505 Freeman, "Diplomacy."

Rarely does diplomacy use the threat of the use of force, as this, in Freeman's words, besides being morally condemnable, can be a risky tactic, given the costs of military alternatives. More frequently, noted that author, compensations are suggested, often more effective than threats because they accelerate agreement if well-timed, as occurs when granting deadlines for implementation. Finally, as Freeman also noted, through a process of proposal and counterproposal, inducement and pressure, the diplomat continues the negotiation and ultimately proceeds by trial and error.[506]

The process to reach consensus, especially in multilateral negotiations, is, in Barston's expression, disjointed and fragmented. Substantial areas remain open as efforts are made to agree on mutually acceptable language, exchange topics, and build "packages." Some of these are made "bottom-up" as negotiators advance into new territories, aided in some cases by references and formulas found in other contexts.[507] Other topics are left for another occasion or are only partially resolved until a general agreement is reached. This tactic, Barston continues, may result in reopening negotiations, temporarily halting negotiations, or even causing a rollback of what had already been agreed upon.[508]

A feature of the negotiating process is, for Barston, the "learning curve." In the most complex negotiations, negotiators' knowledge gradually increases as they examine divergent issues and learn ramifications of problems as well as recognize new potential dimensions for conflict or consensus-building.[509]

7.2.3. Agreements

If a negotiation is successful, the outcome is incorporated into an international instrument.[510] Diplomatic agreements vary greatly, not only in terms of denomination (treaties, final acts, protocols, exchange of

506 Freeman, "Diplomacy."

507 Barston, *Modern Diplomacy*, 64.

508 Barston, *Modern Diplomacy*, 64-65.

509 Barston, *Modern Diplomacy*, 65.

510 Freeman, "Diplomacy."

notes, agreements, among others) but also in textual structure, language used, and the existence or absence of annexes (side letters). They also differ in whether they are published or kept secret.[511]

Agreements are generally bilateral. Less formal and permanent than treaties, they address specific, often technical, issues. They are negotiated between governments or governmental bodies, although sometimes, as noted by Freeman, non-governmental entities are involved, for example, in cases of debt rescheduling for private banks.[512]

The multiplicity of agreements, according to Berridge, can be explained by four reasons: some create legal obligations, others do not; some highlight the importance of what is agreed upon, while others disguise their meaning; some are more convenient to use; and some are more suitable for "saving face" for the parties than others. The choice will depend, therefore, on these considerations and the degree of harmony between the parties regarding these issues, and, in the case of lack of harmony, the degree of concessions that can be exchanged.[513]

In view of these considerations, parties may prefer a less complex agreement or one that does not require ratification by a parliament or popular referendum.[514] Sometimes, the choice of a title for the agreement—pointed out by Berridge—is related to the need to attract little attention and thus avoid the public humiliation of a country that had to make unpopular concessions to achieve the desired results.[515] For this purpose, a party may prefer to sign an informal agreement without publicity.[516] Parties may agree that the subject of a negotiation is not appropriate for regulation by international law. Or, on the other hand, if they believe that the agreement creates obligations enforceable by international law, they should clothe it in the format of a treaty. They will do so, although there is skepticism about the effectiveness of international law. This is more obeyed than imagined. This happens—concluded Berridge—because

511 Berridge, *Diplomacy: Theory and Practice*, 72.

512 Freeman, "Diplomacy."

513 Berridge, *Diplomacy: Theory and Practice*, 72.

514 Berridge, *Diplomacy: Theory and Practice*, 75.

515 Berridge, *Diplomacy: Theory and Practice*, 78-79.

516 Berridge, *Diplomacy: Theory and Practice*, 78.

most of the time, it results from consent, and if agreements are not complied with, it will be difficult for the State to promote policies through negotiations in the future.[517]

Treaties and conventions require ratification, an executive act of final approval. In democratic countries, noted Freeman, parliamentary approval is considered advisable for important treaties. In the United States, the Senate must approve them by two-thirds of the votes. Elsewhere, legislative involvement is less, but it has increased since World War II. In Britain, treaties lie on the table of the House of Commons for 21 days before ratification; other countries have similar requirements. For bilateral treaties, ratifications are exchanged; otherwise, they are deposited at a location indicated in the text, and the treaty enters into force when the specified number of ratifications is received.[518]

In Brazil, ratification constitutes an act of the President of the Republic, once obtained the assent of the Legislative Branch, a competence that derives from article 84, VIII, of the Federal Constitution.[519]

Below are summarized the characteristics of the three main types of agreements: treaties, conventions, and protocols, as described by Freeman.

a) Treaties

The most solemn of agreements is a treaty, a written document between States that binds the parties under international law and is analogous to a contract in civil law. Treaties are registered at the UN and can be bilateral or multilateral. International organizations also conclude treaties with individual states as well as among themselves.[520]

b) Conventions

A convention is a multilateral instrument of legislative, codifying, or regulatory nature. Conventions are usually negotiated under the auspices

517 Berridge, *Diplomacy: Theory and Practice*, 73.

518 Freeman, "Diplomacy."

519 Rodrigo d'Araújo Gabsch, *Aprovação de Tratados Internacionais pelo Brasil. Possíveis opções para acelerar o seu processo*, (Brasília: FUNAG, 2010), 48.

520 Freeman, "Diplomacy."

of international entities or a conference of States. The UN and its agencies negotiate many conventions, as does the Council of Europe.

c) Protocols

A protocol extends, amends, supplements, or replaces an existing instrument. It may contain details regarding the application of an agreement, an optional agreement extending a mandatory convention, or a technical instrument as an annex to a general agreement. It may replace an agreement or an exchange of notes, which can be used to record a bilateral agreement or its modification.[521]

In addition to the above-exemplified agreements, joint communiqués or statements are also negotiated at the end of diplomatic meetings, as Rana well remembered.[522]

7.3. Classification

Negotiations can be classified in various ways. Thus, according to Barston, from the perspective of their objective, they can be seen as: *extension agreements* (continuing current understandings); *normalization agreements* (ending a conflict); *modification agreements* (changing current understandings); and *innovative agreements* (including a new idea, concept, institution, or administrative change or regime). They can also be negotiations aimed at obtaining *side effects* (making public statements of positions, obtaining information about negotiating positions, strengths, and weaknesses of the other party, or undermining the determination of an opponent).[523]

They can also be categorized according to the subject matter. Thus, negotiation may deal with *politics* (such as establishing diplomatic relations, mediation, improving or normalizing relations); *development* (such as loans and cooperation); *contracting* (such as offshore exploration rights; oil purchases); *economy* (such as trade, textile quotas, tariffs); *security* (such as overflight, arms purchases); *regulation* (for example, maritime

521 Freeman, "Diplomacy."

522 Kishan S. Rana, *21st Century Diplomacy. A Practitioner's Guide* (London: Bloomsbury, 2011), 294.

523 Barston, *Modern Diplomacy*, 55-56.

law, air and navigation services), and *administration* (such as embassy land purchases and visa abolition). [524]

From the standpoint of the number of parties, still according to Barston, negotiations can be *bilateral* or *multilateral*. Each follows a distinct logic and presents a set of characteristics. As will be seen later, in bilateral negotiation, the relationship reflects the interests of the larger power. Multilateral negotiations are more formal and less flexible than bilateral negotiations, but, on the other hand, they allow, as noted by Wright, the building of trust and deepening of cooperation.[525]

7.3.1. Bilateral

Bilateral diplomacy developed under the influence of France.[526] The French negotiation system would be criticized for being secretive. Berridge highlighted that, "in current usage, 'secret diplomacy' can mean keeping secret any or all of the following items: the content of a negotiation; knowledge that negotiations are underway; the content of any agreement resulting from negotiations; or the fact that any agreement has been reached."[527] In turn, Kleiner notes that it is easier to manage conflicts behind closed doors because parties can focus on the objective reasons for differences between countries. He argues that admitting the public into diplomacy brings the risk of introducing subjective elements into the negotiating process, such as national respect, honor, animosity, and revenge.[528]

Negotiating in the bilateral arena is becoming less common for diplomats. There are technocrats from ministries and other governmental bodies entrusted with negotiating agreements in various areas. The diplomat's role has been reduced to that of a coordinator and, at best, a supervisor to ensure that political aspects are not undermined by technical considerations. Diplomats, however, as noted by Rozental and Buenrostro,

524 Barston, *Modern Diplomacy*, 57.

525 Thomas Wright, "Bilateral and Multilateral Diplomacy in Normal Times and in Crises," in *Diplomacy in a Globalizing World*, ed. Pauline Kerr and Geoffrey Wiseman (Oxford University Press, 2013), 190.

526 Berridge, *Diplomacy: Theory and Practice*, 105.

527 Berridge, *Diplomacy: Theory and Practice*, 107.

528 Juergen Kleiner, *Diplomatic Practice. Between Tradition and Innovation* (Singapore: World Scientific, 2010), 104.

"still play a fundamental role in bringing countries to the exact point of negotiating an agreement."[529] Kleiner cites the following examples of topics covered by bilateral treaties: agreements to avoid double taxation, extradition, readmission of nationals in irregular immigration status in another country, cultural cooperation, technical and financial assistance, and the use of airspace by aircraft.[530]

It falls to the resident ambassador (or their subordinates) to negotiate agreements on behalf of their country at times. At other times, the embassy advises the negotiator sent from the capital. In this case, Kleiner reminds us, the embassy will arrange for one of its diplomats to be included as a member of the delegation.[531] It may also be their responsibility to conclude negotiations initiated by envoys, as well as to execute the agreed terms and defend their country's positions regarding the text, as negotiations tend to be a continuous process, with details of lesser interest to a minister or other high-level negotiator. Their knowledge of the country, language, and local negotiators can, in Berridge's view, accelerate the negotiating process, fill gaps in knowledge on the part of the negotiators, as well as avoid cultural misunderstandings, premature return of negotiators without the negotiation ending, or furthering protracted negotiations.[532]

Following Barston's reasoning, an advantage of bilateral diplomacy would be to ensure the country a sense of control and management. It is a more selective action and allows for the establishment of specific links between two States. It is, according to Barston, the preferred form of bilateral diplomacy for Cuba and Japan.[533] The success or failure of each diplomat, in Barder's opinion, especially that of the ambassador, depends perhaps in a surprising degree on their ability to establish relationships of trust with ministers and officials of the host country, as well as with opinion formers and decision-makers at various levels of society.[534]

529 Andrés Rozental and Alicia Buenrostro, "Bilateral Diplomacy," in *The Oxford Handbook of Modern Diplomacy*, ed. Andrew F. Cooper, Jorge Heine, and Ramesh Thakur (Oxford: Oxford University Press, 2013), 233.

530 Kleiner, *Diplomatic Practice*, 57.

531 Kleiner, *Diplomatic Practice*, 58.

532 Berridge, *Diplomacy: Theory and Practice*, 119.

533 Barston, *Modern Diplomacy*, 45.

534 Brian Barder, *What Diplomats Do* (Lanham: Rowman & Littlefield, 2016), 70.

A disadvantage of bilateral diplomacy, for Barston, is that it demands time and limits contacts unless supported by multilateral initiatives.[535] In this case, visits can become merely symbolic, aimed at improving diplomatic relations, exchanging views, coordinating policies, and negotiating mutually interesting topics. They also serve to signal a change in policy.[536]

Bilateral understandings, as Barston recalls, can develop from visits by authorities or so-called lateral diplomacy, i.e., on the sidelines of multilateral meetings, or on unforeseen occasions, such a funeral of a head of state. For that author, these moments are not appropriate when there are different expectations, perceptions of diverse purposes, and excessive use of pressure or leverage.[537] On the other hand, these encounters have some advantages, among which, they require the focus of leaders, serve as a first contact to defuse initial tension, provide an opportunity for personal diplomacy, and facilitate a single location for various leaders.[538]

7.3.2. Multilateral

International organizations, in Mahbubani's terminology, serve as a "parliament for humanity," establishing global objectives as well as creating norms.[539] They play various roles in multilateral negotiations, including sponsoring conferences and encouraging coalition diplomacy. Regular meetings of the UN, its agencies, and regional organizations provide forums for parliamentary diplomacy, debate, publicity, and negotiation. International bureaucracies negotiate with each other and with individual States.

Multilateral negotiations can take place within organizations of universal scope, open to all countries,[540] or within those of a regional nature, i.e., countries grouped by geographical proximity. As noted by Rana, virtually all countries are members of multiple groupings, many of

535 Barston, *Modern Diplomacy*, 40.

536 Barston, *Modern Diplomacy*, 43.

537 Barston, *Modern Diplomacy*, 43.

538 Barston, *Modern Diplomacy*, 44.

539 Kishore Mahbubani, "Multilateral Diplomacy," in *The Oxford Handbook of Modern Diplomacy*, ed. Andrew Cooper, Jorge Heine, and Ramesh Thakur (Oxford: Oxford University Press, 2013), 249.

540 Wright, "Bilateral and Multilateral Diplomacy," 180.

which are geographical, in addition to those with which they share goals in some way.[541] Negotiations can also be classified according to the form and purposes for which they are conducted.

a) History

Although not in its current form, some forms of multilateral diplomacy, Berridge recalled, can be identified in meetings of allies in ancient India and in alliances in the Greco-Persian world in the 4th century AD. In the European state system, some multilateral conferences, somewhat chaotic and aimed at resolving disputes, marked the 17th century.[542]

Multilateral diplomacy did not begin to take on its modern form until after the end of the Napoleonic Wars.[543] Several factors contributed to this, especially the development of the transportation system.[544] It flourished in the early 20th century, after the end of World War I. Its instruments proliferated between the end of World War II in 1945 and 1965. In those two decades, around 2,500 multilateral treaties were signed, more than in the previous 350 years. As the countries of the world became more interdependent, this trend continued.[545]

In the 1980s, major developed countries began to oppose decisions with which they disagreed politically and to reduce budgets, with the United States, in the Reagan era, withholding payments to the UN system.[546] Multilateral diplomacy, however, grew again after the end of the Cold War.[547] Issues emerged that, in Kissinger's view, can only be addressed on a global basis, such as nuclear proliferation, the environment, population explosion, and economic interdependence.[548] The growth of multilateral regulation led to the involvement in foreign relations of a greater number of ministries, in areas such as industry, aviation, the environment,

541 Rana, *21st Century Diplomacy,* 14.

542 Berridge, *Diplomacy: Theory and Practice.*

543 Berridge, *Diplomacy: Theory and Practice*, 147.

544 Berridge, *Diplomacy: Theory and Practice*, 148.

545 Freeman, "Diplomacy."

546 Berridge, *Diplomacy: Theory and Practice*, 164.

547 Ivor Roberts, "Diplomacy—A Short History from Pre-Classical Origins to the Fall of the Berlin Wall," in *Satow's Diplomatic Practice*, 7th edition, ed. Ivor Roberts (Oxford: Oxford University Press, 2017), 20.

548 Henry Kissinger. *Diplomacy* (New York: Simon & Schuster, 1994), 24.

navigation, customs, health, education, and sport.[549] Currently, most multilateral agreements are negotiated through conferences, as described in the following chapter.

So-called digital diplomacy has had an impact on diplomatic negotiations, whether to facilitate, undermine, or change them.[550] It facilitates by allowing coordination of interactions and information flows on a global scale. It can make negotiations more inclusive and democratic.[551] From another perspective, it can be seen as threatening, as confidentiality is challenged, and diplomatic discretion loses ground. In addition, the speed of social communication and public postings on social media reduces space for patience and careful consideration during negotiations. The diplomat loses space to think and interact with courtesy and civility. The third position is to see digital technologies neither as facilitators nor as threats, but as gradually modifying the conditions and dynamics of diplomatic work, like other technologies, including the telegram.[552]

b) Characteristics

A multilateral meeting is characterized by the presence of at least three participants. Their negotiations require the same skills but are more complex than bilateral ones. For this reason, Barston noted, they led to the growth in the use of specialists.[553] The process is usually lengthy and fragmented, with subsidiary negotiations in small groups and occasional periods of reflection. Skilled representatives of small States often, Freeman notes, play important roles.[554]

Multilateral negotiations present some other characteristics, in Barston's opinion. Many do not constitute a process of exchanging concessions that produce convergence, but exchanges and proposals that

549 Barston, *Modern Diplomacy*, 8.

550 Kristin Anabel et al, "Diplomatic Negotiations in the Digital Context: Key Issues, Emerging Trends, and Procedural Changes," in *The Oxford Handbook of Digital Diplomacy*, ed. Corneliu Bjola and Ilan Manor (Oxford: Oxford University Press, 2024), 104.

551 Anabel, "Diplomatic Negotiations," 105.

552 Anabel, "Diplomatic Negotiations," 106.

553 Barston, *Modern Diplomacy*, 6.

554 Freeman, "Diplomacy."

require information, conceptualization, the establishment of principles, and descriptive texts. Some issues related to international standards or scientific processes encounter difficulty in convergence because of resistance to "dilution" of standards and procedures and non-compliance with established rules.[555]

Various skills are required, according to Karns and Mingst, for a multilateral negotiator to achieve consensus in multilateral diplomacy: leadership, negotiation in formal small groups and informal contacts; ability to serve as an intermediary; personal attributes such as intelligence, patience, reputation, negotiating skills, and linguistic versatility.[556]

c) Objectives

Multilateral negotiations are often used, according to Bjola and Kornprobst, to establish international regimes, agreed norms, rules, principles, and expectations to address common concerns.[557] Multilateralism, in Wright's view, organizes relations between three or more countries according to certain principles that determine expectations of behavior that all parties must agree to and obey, including the most powerful party.[558] Often, goals are achieved by the approval of resolutions of international organizations. The drafting and negotiation of these international instruments involve, as pointed out by Rana, both an understanding of substantive issues and language skills, as well as negotiating ability.[559]

d) Formats

Multilateral meetings, according to Mahbubani, could be divided into four formats: *universal*, *regional*, *functional* (or specialized), and *ad hoc* (non-permanent or regular and held for specific purposes). Examples of organizations of universal scope would be the UN and the organizations

555 Barston, *Modern Diplomacy*, 63.

556 Margaret P. Karns and Karen A. Mingst, "International Organizations and Diplomacy," in *The Oxford Handbook on Modern Diplomacy*, ed. Andrew Cooper, Jorge Heine, and Ramesh Thakur (Oxford: Oxford University Press, 2013), 145.

557 Corneliu Bjola and Markus Kornprobst, *Understanding International Diplomacy: Theory, Practice and Ethics* (Abingdon: Routledge, 2018), 103.

558 Wright, "Bilateral and Multilateral Diplomacy," 177.

559 Rana, *21st Century Diplomacy*, 302.

created in Bretton Woods, namely, the IMF and the World Bank. A prominent example among specialized organizations would be the WHO. Among the regional ones, the EU, the OAS, and ASEAN could be highlighted. Finally, the G20 would exemplify ad hoc meetings,[560] although this example is debatable today because the meetings have become regular and deal with increasingly less specific topics.

e) Evaluation

Multilateral diplomacy, according to Berridge, gained momentum by allowing, simultaneously, the advancement of negotiations among several parties and the treatment of various issues, even if sometimes outside the formal agenda. It can also give impetus to bilateral negotiations. It has also been seen as more democratic since, as a form of open diplomacy, governments are obliged to be accountable for their activities abroad. Finally, multilateral conferences can achieve more lasting results[561] since changing agreements at the multilateral level is more cumbersome than at the bilateral level.

Multilateral diplomacy allows, as summarized by Berridge, the attainment of results on a scale for all participants, reduces uncertainties, and increases predictability, especially when negotiations follow rules and procedures established by international organizations. In addition, multilateral diplomacy usually focuses on one issue; allows informality, sets deadlines for completion; and can be more successful if endowed with appropriate procedures for its conduct.[562]

From a negotiating perspective, in Barston's view, multilateral diplomacy provides a sense of solidarity in which States show independence and operate in broad groups, such as global institutions, permanent conferences, and various regional or plurilateral institutions.[563] For some countries, it has the advantage, in the multilateral arena, of being able to

560 Mahbubani, "Multilateral Diplomacy," 251-254.

561 Berridge, *Diplomacy: Theory and Practice*, 150.

562 Berridge, *Diplomacy: Theory and Practice*, 148.

563 Barston, *Modern Diplomacy*, 42.

exert greater influence than they would normally have outside the context of a conference thanks to the skills and knowledge of their diplomats.[564]

Multilateral diplomacy, observed Bjola and Kornprobst, often opens up more opportunities for the participation of non-governmental actors than bilateral diplomacy, since traditional diplomacy views with suspicion the defense made by these actors of their specific interests.[565] In fact, the activities of NGOs include communication and research, as well as advocacy for certain ideals,[566] not necessarily identical to those of governments, which, in democracies, represent national interests and not just those of societal groups.

Among the disadvantages of multilateral negotiation would be, in Verbeke's opinion, achieving only the minimum common denominator between the parties and being less efficient in resolving short-term issues.[567] Other disadvantages, noted Berridge, would be that they are numerous and often time-consuming and sometimes produce treaties to be published in several volumes.[568]

Which countries benefit most from multilateral negotiation? Some argue that small and medium-sized countries benefit more than large ones, as the latter would be more affected by multilateral disciplines decided by a majority composed of the former. The classic example of the risk for larger countries of being affected is the decisions of the ICC with the power to prosecute military conduct, which led the United States not to associate with that judicial court. Major powers, Verbeke recalled, have protected themselves from this risk of being isolated through the right of veto in the UNSC and attempts to introduce qualified votes and the constitution of leadership groups (troikas, directorates, contact groups).[569] As Meerts noted, UNSC decisions present a combination of a consensus and a voting

564 Barston, *Modern Diplomacy*, 64.

565 Bjola and Kornprobst, *Understanding International Diplomacy*, 93-94.

566 Bjola and Kornprobst, *Understanding International Diplomacy*, 95.

567 Johan Verbeke, *Diplomacy in Practice: A Critical Approach* (Abingdon: Routledge, 2023), 39.

568 Berridge, *Diplomacy: Theory and Practice*, 148.

569 Verbeke, *Diplomacy in Practice*, 40.

system. A resolution can be adopted if nine out of the fifteen members are in favor, provided that there is no veto against it.[570]

For Rana, both bilateral and multilateral diplomacy have their role to play in the process by which countries seek to achieve their goals. Thus, some are better treated in multilateral forums, but others bilaterally or regionally.[571] For that author, professional diplomats bring to the table expertise in managing relations, including interconnections between issues at stake with a partner country, which allows for leverage and exchanges. Mastery of conference technique is part of the skills compendium, acquired through training and frequent exposure to bilateral, regional, and multilateral negotiations.[572]

7.4. Conclusions

Diplomatic negotiations not only constitute a function of great relevance for diplomats but also, for many, present them with greater challenges and professional pleasure. Whether at the bilateral or multilateral level, diplomacy professionals feel the need and see the opportunity to use the skills and training acquired to practice their profession, as well as the feeling of directly contributing to the formalization of agreements with other countries, whether to achieve peace, cooperation, or some other common goal.

Some negotiations require technical knowledge for which the diplomat may need support from officials from other ministries. Those of a multilateral nature will require an examination of the history of negotiations and practices of the forum in which they take place. Thus, for example, negotiations at the UN and the WTO are distinguished, whether by the decision-making process (by vote or by consensus), by the subject matter (political or trade), by the member countries of the organization, and by developed practices. As the diplomatic field is vast and multifaceted, negotiations proliferate and specialize as communications, international travel, and production chains expand.

570 Paul Meerts, "Conference Diplomacy," in *The Sage Handbook of Diplomacy*, ed. Costas M. Constantinou, Pauline Kerr, and Paul Sharp (London: Sage, 2016), 503.

571 Rana, *21st Century Diplomacy,* 25.

572 Rana, *21st Century Diplomacy,* 26.

Chapter 8
Special Multilateral Negotiations

In this chapter, two special cases of multilateral negotiations are examined, namely, international conferences and summit meetings. Given their current relevance and relative modernity, they deserve separate and more detailed attention.

8.1. International Conferences

Diplomatic conferences, as noted by Groom, have ancient antecedents, with common references to events such as the Peace of Westphalia in 1648 and similar meetings generally held at the end of a war, when a new world order emerged.[573] Between 1815 and 1920, Groom further observed, conference diplomacy developed embryonically before the literature could seek useful definitions for the phenomenon. Groom concluded, regarding the origins of conference diplomacy, that the temporal pace accelerated in the 19th century when powers gathered in 1815 at the Congress of Vienna, which initiated the congress system that would bring together heads of state and government, or convene conferences, generally at the ministerial level. Such meetings took place as requested and were decided by mutual agreement throughout the 19th and early 20th centuries. According to that author, they acquired attributes of a global governance system, although initially the meetings focused on a Eurocentric world.[574]

Currently, larger conferences are convened, often under the auspices of the UN, to address specific problems. The list of UN conferences has grown to include, as noted by Greenstock, environment, disarmament,

573 A. J. R. Groom, "Conference Diplomacy," in *The Oxford Handbook of Modern Diplomacy*, ed. Andrew Cooper, Jorge Heine, and Ramesh Thakur (Oxford: Oxford University Press, 2013), 263.

574 Groom, "Conference Diplomacy," 263-264.

combating racism, women's rights, and various other areas.[575] Many conferences produce agreements that create international law, often in new areas. In some cases, as noted by Freeman, the negotiations leading to these agreements are complicated. In other cases, negotiations are lengthy, such as the Law of the Sea conferences that lasted more than a decade.[576]

Some international conferences have become permanent, thus giving rise to international organizations. The constitutive documents of the most important meetings, such as those of the UN and the IMF, grant greater influence and power to major powers in the decision-making process. These documents, or Charters, deal with the organization's objectives, structure, and procedural rules.[577] These last ones, noted Berridge, vary among organizations regarding the choice of headquarters, meeting participants, agenda items, or the decision-making process to be adopted.[578]

8.1.1. Process

The conference diplomacy process—as noted by Meerts—is "complicated and complex." It requires "a process, or procedural rules to guide the proceedings of the main actors in the conference."[579] In the case of UN conferences, these invariably begin, as described by Groom, when a country or group of countries convinces the UNGA or ECOSOC that a conference is necessary. The UNGA then seeks to ensure a country to host it if one has not already volunteered.

Next, a Preparatory Committee (PrepCom) is formed, and a schedule is established, which usually grants one or two years for it to establish itself and begin working on a provisional agenda and the scheduled start date of the conference, which may generally last from one to three weeks. Simultaneously, a budget is established, and the UNSG appoints

575 Jeremy Greenstock, "The Bureaucracy: Ministry of Foreign Affairs, Foreign Service, and Other Government Departments," in *The Oxford Handbook of Modern Diplomacy*, ed. Andrew F. Cooper, Jorge Heine, and Ramesh Thakur (Oxford: Oxford University Press, 2013),113.

576 Chas W. Freeman and Sally Marks, "Diplomacy," Politics, Law & Government, International Relations, Britannica, last modified June 19, 2022, https://britannica.com/topic/diplomacy#233733.

577 G. R. Berridge, *Diplomacy: Theory and Practice*, 6th edition (Houndmills and New York: Palgrave, 2002), 151.

578 Berridge, *Diplomacy: Theory and Practice*, 153.

579 Paul Meerts, "Conference Diplomacy," in *The SAGE Handbook of Diplomacy*, ed. Costas M. Constantinou, Pauline Kerr, and Paul Sharp (London: SAGE, 2016), 502.

a Secretary-General of the Conference. The organizational structure, at this point, noted Groom, consists of a Chair, usually from the host country, a Plenary Meeting of the Whole, with decision-making power, and a Committee of the Whole (responsible for a Program of Action) that may have subcommittees. There is also a body, parallel to the Committee of the Whole, to deal with the Declaration.[580]

There are conferences open to all members of an organization, as in the case of the UN. Others are limited to countries with an interest in the topic. Deciding on the list of countries to be invited is a sensitive issue because, as Berridge notes, once made public, it can affect the prestige of a non-invited country.[581] In many organizations, the participation problem is, in principle, solved by admitting all states.[582]

8.1.2. Phases

Although acknowledging that there may be setbacks and other modifications throughout the negotiating process, Meerts sees it composed of five phases: prenegotiation, exploration, selection, decision-making, and implementation.[583] In the prenegotiation phase of an international conference, in Berridge's opinion, both the choice of the permanent headquarters of an international organization and the venue for ad hoc conferences are important. According to that author, the decision weighs the facilities available in cities, such as communication access, hotel vacancies, and the availability of interpreters. Sometimes, the theme is relevant to the choice of venue. Some locations are disputed by countries because they offer the host country the opportunity to preside over the meeting and thus gain international prestige since the minister or head of state or government who presides sets the tone of the meeting, makes administrative decisions, resolves deadlocks, and influences the drafting of the final document. [584]

580 Groom, "Conference Diplomacy," 2013, 269-270.

581 Berridge, *Diplomacy: Theory and Practice*, 155.

582 Berridge, *Diplomacy: Theory and Practice*, 158.

583 Meerts, "Conference Diplomacy," 2016, 502.

584 Berridge, *Diplomacy: Theory and Practice*, 153-154.

The Preparatory Committee decides on the conference's agenda or themes, often through regional preparatory meetings. A draft or text outline—as noted by Meerts—must be prepared in consultation with negotiating parties' delegations, grouping of parties (caucuses), formal and informal facilitators, president of the overall meeting, the chairs of sub-meeting, and finally, the secretariat.[585]

During the preparation, as observed by Groom, various types of formal and informal meetings and proposals, papers, and non-papers presented by governments and non-governmental organizations take place. Parallel events are held by civil society institutions focused on conference diplomacy, such as the World Economic Forum and the Global Social Forum, which see themselves as being at the same level of legitimacy as governments, a fact that, in Groom's opinion, "provokes a state backlash that is becoming increasingly evident."[586]

The Secretary-General of the conference produces a first draft. The sponsors of the text make a presentation before a debate takes place. Changes may then be introduced.[587] Several groups usually fill the text with their concerns, and negotiation begins to eliminate items.[588] Finally, a text is agreed upon with many phrases in brackets to be kept or removed at the ministerial meeting. Then, a new text is circulated and submitted to a vote, first in a group of representatives of groups and then in plenary.[589] The text, once approved, must be filed with the secretariat, translated into the official languages, and circulated as an official document.[590]

Decisions of the Preparatory Committee at UN conferences require consensus both in the normative part and in the work to make the Program of Action effective.[591] However, the decision-making process in general can be by unanimity, consensus, or voting. Consensus requires unanimity, but some parties may abstain. Voting can be by simple vote or qualified

585 Meerts, "Conference Diplomacy," 2016, 502
586 Groom, "Conference Diplomacy," 2013, 271.
587 Meerts, "Conference Diplomacy," 2016, 502.
588 Groom, "Conference Diplomacy," 2013, 270.
589 Meerts, "Conference Diplomacy," 2016, 502.
590 Berridge, *Diplomacy: Theory and Practice*, 155.
591 Groom, "Conference Diplomacy," 2013, 270.

majority.[592] After the vote, some delegations may clarify their vote or interpret the result.[593] Once a successful result is achieved, a Declaration of Principles is issued, and a Plan of Action is published. Review conferences are generally scheduled every five or ten years.[594] Once the problem and the solution are defined, it is up to convince stakeholders to participate in the implementation of decisions.

The Inter-American Conference, held in Rio de Janeiro in 1947, addressed military cooperation in the Western Hemisphere. The meeting resulted in the Inter-American Treaty of Reciprocal Assistance (TIAR).[595]

Brazil offered, in 1988, at the UN to host the Conference on Environment and Development,[596] which would be held in Rio de Janeiro in 1992.

8.1.3. Evaluation

International conferences present advantages, according to Roberts, regarding the efficiency and speed of the decision-making process, especially if they have a defined deadline, a specific subject, or deal with technical topics with the participation of experts.[597]

Professional diplomats, notes Freeman, rarely dominate conferences, where the main role is usually played by politicians or specialists—particularly in summit meetings, the most visible type. Heads of state or government or foreign ministers meet bilaterally or multilaterally. The development of personal relationships between leaders can, in Freeman's opinion, be an asset, and these politicians can accelerate agreement, establish guidelines or deadlines, and eliminate bureaucratic procedures.[598]

For the success of the conference, according to Meerts, some factors weigh, such as the "shadow of the past," that is, positive or negative experiences with other parties. Some topics carry emotional baggage that

592 Meerts, "Conference Diplomacy," 2016, 503.

593 Meerts, "Conference Diplomacy," 2016, 502.

594 Groom, "Conference Diplomacy," 2013, 272.

595 Fernando de Mello Barreto, *Os Sucessores do Barão. 1912-1964* (São Paulo: Editora Paz e Terra, 2001), 174.

596 Fernando de Mello Barreto, *A política externa após a redemocratização* (Brasília: FUNAG, 2012), tome I, 111.

597 Roberts, "Diplomacy—A Short History," 21.

598 Freeman, "Diplomacy."

can hinder progress, as some items are rooted in the past.[599] However, he concludes that conferences constitute the most legitimate and inclusive mode of diplomatic negotiation, although with limitations to their effectiveness given the large number of actors involved.[600]

8.2. Summit Meetings

Summit meetings have become increasingly frequent in recent decades. They are defined by Dunn and Lock-Pullan as a meeting of political leaders of the highest level.[601] Institutionalized ones, in that author's view, are official meetings of heads of state and government attended by at least several leaders and generally many more, who meet repeatedly and are supported by some bureaucratic structure that facilitates the preparation of the meetings.[602]

Summit meetings, according to Feinberg, are motivated by various causes, among which are the popular desire to see elected leaders and not bureaucrats negotiating; increasing interconnectedness of global issues; leaders' desires to be seen as making historic decisions, and countries' desire to participate in global governance.[603] Dunn and Lock-Dullan include among the motivations of leaders for holding summits the politicians' lack of trust in diplomats, a fact that encourages them to sideline them when holding summits.[604]

8.2.1. History

Summits were rare, Dunn and Lock-Pullan recall, given the difficult logistics of traveling to distant realms.[605] In Roberts's opinion, they went in relative decline with the practice of resident diplomats becoming

599 Meerts, "Conference Diplomacy," 2016, 503.

600 Meerts, "Conference Diplomacy," 2016, 509.

601 David Hastings Dunn and Richard Lock-Pullan, "Diplomatic Summitry," in *The Sage Handbook of Diplomacy*, ed. Costas M. Constantinou, Pauline Kerr, and Paul Sharp (London: Sage, 2016), 231.

602 Richard Feinberg, "Institutionalized Summitry" in *The Oxford Handbook of Modern Diplomacy*, ed. Andrew Cooper, Jorge Heine, and Ramesh Thakur (Oxford: Oxford University Press, 2013), 304.

603 Feinberg, "Institutionalized Summitry," 305.

604 Dunn and Lock-Pullan, "Diplomatic Summitry," 236.

605 Dunn and Lock-Pullan, "Diplomatic Summitry," 231.

established in the 16th century.[606] There was some resurgence of the summit format with the Concert of Europe in the 19th century, but it only became relevant, as noted by Berridge, in the first half of the 20th century,[607] especially from meetings of the main allied leaders at the end of the two world conflicts.

The issue of leaders' security worried Stalin and would force Churchill and Roosevelt to meet in less accessible places. In 1950, Dunn and Lock-Pullan recall, Churchill referred to meetings at the highest level and called for a "parley at the summit," an idea he reiterated in 1953 after Stalin's death when he called for a summit of nations to work for peace among the Great Powers. This call for a meeting at the highest level, those authors recall, occurred in the year the peak of Everest, the highest summit, had been conquered, with the support of sherpas.[608] Spence et al. observed that the word summit suggests a risky undertaking, and the word parley evokes a meeting between enemies for the purpose of negotiating terms.[609]

Concern about leaders' security would resurface, as noted, for example, by the choice of the isolated Gleneagles, Scotland, to host the G20 Summit in 2005.[610] Despite the difficulties, leaders feel the need for summit meetings in cases of crisis, such as the 2008 financial crisis, which led President George W. Bush to call for a G20 summit, not just a G8 summit.[611]

8.2.2. Classification

Summit meetings have become such a widespread diplomatic practice that, according to Berridge[612] and Roberts,[613] they can be classified into three types. The first involves several countries, as part of a series, such

606 Ivor Roberts, "Diplomacy—A Short History from Pre-Classical Origins to the Fall of the Berlin Wall," in *Satow's Diplomatic Practice*, 7th edition, ed. Ivor Roberts (Oxford: Oxford University Press, 2017), 23.

607 Berridge, *Diplomacy: Theory and Practice*, 168-169.

608 Dunn and Lock-Pullan, "Diplomatic Summitry," 233.

609 E. Spence, Claire Yorke, and Alastair Masser, "Introduction," in *New Perspectives on Diplomacy. A New Theory and Practice of Diplomacy* (London: I.B. Tauris, 2021), 103.

610 Dunn and Lock-Pullan, "Diplomatic Summitry," 231.

611 Dunn and Lock-Pullan, "Diplomatic Summitry," 235.

612 Berridge, *Diplomacy: Theory and Practice*, 174.

613 Roberts, "Diplomacy—A Short History," 23-24.

as those of the G20 or MERCOSUR. The second type is ad hoc meetings that may involve two or more countries, often to address a crisis or defuse initial tension between States with bad or nonexistent relations. The third type consists of high-level view exchanges. They occur when heads of state undertake regional trips. Dunn and Lock-Pullan criticize this classification for dealing only with the structure and not the meaning of the meetings and question its usefulness. On the other hand, they refer to summits as perhaps the only way to ensure the conduct of true and lasting communication at the highest level on substantive matters.[614]

Brazil participates in periodic summit meetings in MERCOSUR and other groups including BRICS and G20.

8.2.3. Process

Freeman observes that a summit is generally preceded or followed by coalition diplomacy. This joint work of common policies or responses to ministerial proposals can be quite informal. Coalitions require a complicated two-stage diplomacy at each stage, reaching a joint policy and then negotiating with the other party.[615]

8.2.4. Evaluations

Diplomats and experts have pointed out defects and qualities of summit meetings, as well as made recommendations for them to be useful and successful.

a) Criticisms

The practice of head-of-state meetings, according to Roberts, generates expectations and the risk of failure is high.[616] Berridge expressed the opinion that heads of state ignore the details of policy under discussion, tend to agree with colleagues they sympathize with, and seek only publicity.[617] Thus, they may conclude agreements that are not coherent

614 Dunn and Lock-Pullan, "Diplomatic Summitry," 239.

615 Freeman, "Diplomacy."

616 Roberts, "Diplomacy—A Short History," 24.

617 Berridge, *Diplomacy: Theory and Practice*, 169-170.

with national interests or are even irrelevant; they may be swayed by personal sympathies or antipathies. They assume, therefore, for that author, two risks: that of making excessive concessions or prematurely breaking off negotiations. As heads of state constitute the highest sphere of power, there is no recourse to their decisions in case of deadlock, except through public humiliation.[618] The classic example, presented by Dunn and Lock-Pullan, of those fearing similar outcomes, is the disastrous meeting between Chamberlain and Hitler in 1938, when the former, in search of appeasement and with no one else present at the meeting besides an interpreter, believed the latter's words.[619]

An additional argument against summits is that, sometimes, as noted by Barston, not only the ambassador in post, but even the foreign minister may not know what was truly said and agreed in meetings, especially in private meetings of heads of state.[620] This situation, Greenstock concluded, reduces the ability of the foreign minister to have an independent role on negotiation tactics, not to mention strategy.[621]

To these lists of risks, Feinberg added others. Thus, for example, heads of state and government may not be as informed as professional diplomats; tension may arise between the inherent nationalism of leaders and the objectives of the summit; and, in the worst case, the meeting may be used by heads of state or government to bring up old grievances, to demonstrate firmness, and to assert national pride in front of historical rivals and untrustworthy neighbors.[622]

b) Defenses

In defense of summit meetings, the same authors note that summits present enormous publicity opportunities. For leaders of democratic countries, as noted by Berridge, summit meetings serve to demonstrate

618 Berridge, *Diplomacy: Theory and Practice*, 171.

619 Dunn and Lock-Pullan, "Diplomatic Summitry," 233.

620 R. P. Barston, *Modern Diplomacy*, 5th edition (Abingdon: Routledge, 2019), 8.

621 Greenstock, "The Bureaucracy," 112.

622 Feinberg, "Institutionalized Summitry," 310.

their achievements regarding contemporary problems and their role on the world stage.[623]

In Feinberg's opinion, summits can be useful for diplomacy if used judiciously. He argued that heads of state or government can better grasp the interrelation of issues and can assess the complex interaction between governments and markets; summit meeting deadlines can lead to decisions by forcing national bureaucracies and international negotiators to resolve thorny issues; national leaders are better positioned to conclude agreements on matters settled at lower levels; and initiatives approved at summit meetings enjoy legitimacy conferred by the highest political authority. [624]

c) Recommendations

Kissinger acknowledged the merits of summits but warned that it is almost always a mistake for heads of state to undertake the details of a negotiation because they would be forced to learn about specifics normally handled by their subordinates, thereby sidelining themselves from central issues.[625] Additionally, personal chemistry between leaders can make the meeting a success or a failure. Hence the importance—emphasized by Roberts—of meticulous preparation, in some cases by sherpas, generally experienced diplomats.[626]

Ad hoc summits tend, in Berridge's opinion, to be most suitable for key issues. They serve to compel heads of state to update themselves on external issues; accelerate negotiation processes by establishing deadlines for completion; and can break deadlock. Some negotiations do not repeat, last only a few days, are publicized, and are suitable for generating or regaining diplomatic momentum and promoting friendly relations. They sometimes occur during state funerals, and in such cases, they lack proper preparation.[627]

623 Berridge, *Diplomacy: Theory and Practice*, 173.

624 Feinberg, "Institutionalized Summitry," 307-308.

625 Kissinger, *Diplomacy*, 230.

626 Roberts, "Diplomacy—A Short History," 24.

627 Berridge, *Diplomacy: Theory and Practice*, 178-180.

Summit meetings preceded by meticulous preparation also yield, in Berridge's opinion, better results. The most prestigious ones are prepared by sherpas who meet beforehand, sometimes quarterly for a year, to draft the agenda and final communiqué and press statements.[628]

In Freeman's opinion, summits briefly obscure professional diplomats but rarely harm their position unless there is constant intervention in their work by political leaders or other officials. Normally, professionals resume their duties when the summit ends. In fact, a visit by the foreign minister can be an asset for an ambassador, serving to elevate his or her standing.[629]

For Spence et al., summits can cause processes of diplomatic transformation if the following indicators are present: the key decision-makers no longer attribute malevolent intentions and motives to each other; both recognize the role that previous actions played in leaving the other side insecure; and cooperative advances that promote the return of security are reciprocal.[630]

In summary, summit meetings present risks and opportunities that must be weighed in choosing the format for exercising this form of parliamentary diplomacy.

8.3. Conclusions

The two multilateral forums addressed in this chapter (conferences and summit meetings) have remained relevant and increasingly necessary. Although conferences are complex and time-consuming and summit meetings present risks, these forms of parliamentary diplomacy may be most suitable for certain purposes. For professional practitioners of diplomacy, their role in conferences and summit meetings is often less prominent, although their support is often essential for heads of state or government or even for foreign or other ministers leading their respective delegations.

628 Berridge, *Diplomacy: Theory and Practice*, 182.

629 Freeman, "Diplomacy."

630 Spence, Yorke, and Masser, "Introduction," 105.

Chapter 9
Consular Functions

There is, nowadays, as noted by Roberts, no clear division between diplomatic and consular functions.[631] The remaining differences, as summarized by Foakes and Denza, concern mainly some of the functions performed, since consuls are appointed to protect the interests of their nationals in other States. Their contacts, for this purpose, are local and regional authorities, as well as relationships with police authorities and members of the judiciary, or the penal system, rather than the foreign ministry or other national-level bodies.[632]

The merger of consular services with diplomatic services over the past hundred years, as noted by Leira and Neumann, has created the mistaken impression that the former have become subordinate to the latter.[633] As Kleiner observed, consulates are mini-embassies.[634] In reality, consuls have "handled issues of trade, law, and politics for millennia, but in a more routine and less spectacular manner than diplomats."[635]

Article 5 of the Vienna Convention on Consular Relations (VCCR) lists the most important consular functions expressly, but also authorizes consuls to perform "any other functions entrusted to a consular post by the sending State which are not prohibited by the laws or regulations of the receiving State or to which no objection is taken by the receiving State or which are referred to in the international agreements in force between

631 Ivor Roberts, "Diplomacy—A Short History from Pre-Classical Origins to the Fall of the Berlin Wall," in *Satow's Diplomatic Practice*, 7th edition, ed. Ivor Roberts (Oxford: Oxford University Press, 2017), 80.

632 Joanne Foakes and Eileen Denza, "The Diplomatic Mission, the Corps, Breach of Relations, and Protection of Interests," in *Satow's Diplomatic Practice*, 7th edition, ed. Ivor Roberts (Oxford: Oxford University Press, 2017), 120.

633 Halvard Leira and Iver B. Neumann, "Consular Diplomacy," in *Diplomacy in a Globalizing World*, ed. Pauline Kerr and Geoffrey Wiseman (Oxford University Press, 2013), 161.

634 Juergen Kleiner, *Diplomatic Practice. Between Tradition and Innovation* (Singapore: World Scientific, 2010), 18, 229.

635 Leira and Neumann, "Consular Diplomacy," 161.

the sending State and the receiving State."[636] It was for no other reason that Talleyrand affirmed: "The duties of a consul are infinitely varied."[637]

9.1. Protection of Nationals

The protection of nationals is considered the most important of consular functions. The demand for protection services has increased due to various factors, including companies from countries established in others, the migration of workers, the growth in the number of students and tourists abroad, as well as refugees. Indeed, as pointed out by Okano-Heijamans, some consular cases have received extensive media coverage, requiring governments to prioritize consular action.[638]

9.1.1. Assistance to Nationals

According to Article 5 of the VCCR, consular functions include, among others, helping and assisting nationals, as well as protecting their interests. But, as Kleiner reminds us, the consuls can only act in this regard if they are aware that nationals are in difficulty. Hence the need for them to have free communication and unimpeded contacts with fellow citizens as a prerequisite for exercising this function, a right guaranteed by Article 36, § 1, (a) of the VCCR.[639]

There are differences in the assistance provided by each country. For example, Germans provide legal advice to their citizens; the British are prohibited from doing so but recommend professionals to be hired. Some countries' consulates provide a list of local lawyers for the interested party. On other occasions, they require the guarantee of non-discriminatory treatment for those accused of crimes or imprisoned. They also provide support through interpreters during the interrogation of those accused of crimes.[640]

636 Foakes and Denza, "The Diplomatic Mission," 131.

637 Juke Lee and John Quigley, *Consular Law and Practice* (Oxford: University Press, 2008), 6.

638 Maaike Okano-Heijmans, "Consular Affairs," in *The Oxford Handbook of Modern Diplomacy*, ed. Andrew Cooper, Jorge Heine, and Ramesh Thakur (Oxford: Oxford University Press, 2013), 482.

639 Kleiner, *Diplomatic Practice*, 233.

640 Kleiner, *Diplomatic Practice*, 238.

In recent years, some Brazilian consulates (in whose jurisdiction there is a high number of Brazilian immigrants in irregular migratory situations) have been authorized to hire lawyers, generally specialized in local immigration and labor law, to provide free legal assistance to Brazilian nationals.

Most countries do not lend money or pay bills for national citizens, with rare exceptions allowed in very serious cases.[641] One type of assistance that is frequently necessary has occurred in cases of abduction of minors by separated parents of different nationalities.[642] Other forms of assistance to nationals include referring injured or sick individuals to doctors.

Special consular assistance occurs when a crisis (such as a natural disaster, a terrorist attack, or the outbreak of armed conflict) requires emergency measures to be taken, including the evacuation of nationals.[643] Another form of consular service provision has been the establishment of itinerant services, i.e., sending staff to distant locations from the consulate, with their dispatch announced through various means, including, sometimes, with the support of communities of nationals.[644]

9.1.2. Access to Nationals in Detention

To perform their assistance functions, consuls need to have access to their nationals. If a national of a sending State is arrested, as noted by Foakes and Denza, the consul must be notified of the arrest, have the right to visit the detainee, advise him or her on the best course of action, notify his or her relatives if requested, and put him or her in contact with a local lawyer and interpreter, accompany the criminal process, and perhaps repatriate him or her if released.[645]

The VCCR guarantees the right to communication (Article 36.1), but access, Foakes and Denza remind us, is seen as being based on customary international law.[646] In the case of detained nationals, the VCCR (Article

641 Kleiner, *Diplomatic Practice*, 234.

642 Kleiner, *Diplomatic Practice*, 237.

643 Okano-Heijmans, "Consular Affairs," 479.

644 Kishan S. Rana, *21st Century Diplomacy. A Practitioner's Guide* (London: Bloomsbury, 2011), 222.

645 Foakes and Denza, "The Diplomatic Mission," 128.

646 Foakes and Denza, "The Diplomatic Mission," 146.

36.1(b)) requires the receiving State to notify the detention without delay if the national requests it.[647] A decision of the International Court of Justice ruled that "without delay" does not necessarily mean "immediately and before interrogation."[648] As for access to detainees, the VCCR is not precise regarding the frequency of consular visits to be granted.[649]

Kleiner notes that if the government of the receiving State does not want the consul to be involved in a case, local authorities may try to pretend that the arrested person did not request that the consulate be informed. In that case, Kleiner emphasizes, the consul has no opportunity to prove otherwise. Some bilateral agreements require notification, which, in his opinion, is a more appropriate solution than the notification required by the VCCR.[650]

9.2. Administrative Functions

According to Article 5, subparagraph "a" of the VCCR, one of the functions of consuls is to issue passports and travel documents for the affixation of appropriate visas or documents for persons wishing to travel to the sending State. In Kleiner's opinion, many consulates are more burdened with visa issuance.[651] However, for countries like Brazil, the major workload is passport issuance for Brazilian residents abroad.

9.2.1. Passports

A passport is proof of nationality and, for many, the only form of identification abroad. Some countries issue passports abroad, while others only do so within their national territory. Okano-Heijmans observed that recent developments have affected passport issuance, such as obtaining dual citizenship, multiple passports, and the responsibilities expected from a State.[652]

647 Foakes and Denza, "The Diplomatic Mission," 148.
648 Foakes and Denza, "The Diplomatic Mission," 150.
649 Foakes and Denza, "The Diplomatic Mission," 151.
650 Kleiner, *Diplomatic Practice*, 239.
651 Kleiner, *Diplomatic Practice*, 242.
652 Okano-Heijmans, "Consular Affairs," 486.

9.2.2. Visas

A visa, when required, is merely a prerequisite and not a right of entry into a country, as its holder may be sovereignly denied entry into the territory of a country that issued it. Visas are granted for various categories of temporary short-term travel (such as business, tourism, visiting relatives, sports events), medium-term (such as studies, work), or permanent (for immigrants). Each country has its own legislation in this regard, but there are bilateral agreements for reciprocity in visa exemptions.

International migration has increased rapidly for various reasons, including, as noted by Kleiner, civil wars, political persecution, discrimination of minorities, environmental destruction, and, particularly, poverty, which results in millions of people in search of a better future in industrialized countries.[653] Consuls from these countries seek to detect false visas and lies in statements to immigration authorities. They request return tickets to the country of origin, bank statements, and other evidence of sufficient funds for staying abroad, as well as seeking other forms of verification of the intention to remain in the sending State. To avoid pressure from influential individuals in the receiving country, consuls from some developed countries do not have the authority to decide on visas but only to process them pending authorization from their respective capitals.[654]

As Rana noted, countries have outsourced the initial examination and processing of visa applications to contracted companies. This work includes interviews with applicants. However, the decision to grant the visa is reserved for government officials, including the examination of the "suspect" list. The goal of this external contracting has been to reduce long queues at consular offices.[655]

9.3. Notary Functions

Consulates and consular sections of diplomatic missions provide public services to their nationals, including exercising the function of a

653 Kleiner, *Diplomatic Practice*, 243.

654 Kleiner, *Diplomatic Practice,* 244.

655 Rana, *21st Century Diplomacy,* 222.

notary public, electoral registration, and issuing documents for military recruitment. In addition to these functions (provided for in various subparagraphs of Article 5 of the VCCR), some countries also include the celebration of marriages, handling of child custody issues, and the resolution of disputes concerning ships.[656] To exercise some of these functions, consuls need, in Kleiner's words, a double set of authorization, as it is the law of the receiving country that determines whether they can exercise them.[657] For example, some countries do not accept consulates performing marriages.

The functions of acting as a notary and civil registry are provided for in Article 5, lit. "f," of the VCCR. Consulates authenticate (legalize) documents from the host country, such as marriage and birth certificates.[658]

In the case of Brazil, legalizations have been waived in cases established in Decree No. 8,660, of 2016, which promulgated the Convention on the Elimination of the Requirement of Legalization of Foreign Public Documents, signed in The Hague in 1961.

9.4. Other Functions

Like embassies, larger consulates maintain sections for commercial, cultural, press and information affairs.[659] In countries with strong regional tensions, as noted by Kleiner, it is important that political developments be monitored and added to embassy reports. The consulate may, in coordination with the embassy, report directly to the capital on the most relevant local political developments. In some cases, consuls issue political statements, as "consular relations constitute a dimension of diplomacy." Kleiner also emphasizes the need to avoid conflicts and tensions between the embassy and consulates in an accreditation country, as these reduce efforts to present a united front in the host country.[660] In a summary presented by Okano-Heijmans, consulate activities include

656 Foakes and Denza, "The Diplomatic Mission," 145.
657 Kleiner, *Diplomatic Practice*, 232-233.
658 Kleiner, *Diplomatic Practice*, 246.
659 Kleiner, *Diplomatic Practice*, 229.
660 Kleiner, *Diplomatic Practice*, 230.

trade promotion, country representation, the exercise of quasi-judicial functions, and public diplomacy.[661]

9.5. Conclusions

Consular functions have garnered greater attention lately. Several factors have contributed to this, including the increased international mobility of citizens from one country to others for tourism, migration, or temporary work; media attention and popular demand for support to nationals facing difficulties abroad; the economic relevance of some cities, sometimes greater than the capitals of countries (such as in the cases of New York, Sydney, Toronto, São Paulo, and Johannesburg).

For career diplomats, exercising consular functions (whether in an embassy in the capital of a country or in a consulate in another city) provides them with the opportunity to be closer to their nationals' community and the local reality of the receiving country. Although the work may be less glamorous than dealing with high-level government officials, it will provide the satisfaction of assisting needy compatriots.

661 Okano-Heijmans, "Consular Affairs," 474.

Third Part
Diplomatic Areas

Chapter 10
Political Diplomacy: Peace and Security

All forms of diplomacy, whether bilateral or multilateral, have a political aspect. Bilateral posts, as described by Kleiner, obtain relevant political information in the host country, analyze it from the perspective of their own country's policies, report back to their capital, and propose foreign policy initiatives. For example, during the lead-up to an election, they try to predict the results and assess the effects on bilateral relations. In cases of instability, they will evaluate whether the country will continue to be a reliable partner. In the event of a *coup d'état*, they will suggest ways to deal with the new regime.[662]

Multilateral diplomacy, Kleiner also notes, is responsible for maintaining peace, limiting arms, disarmament, banning anti-personnel mines and cluster munitions, nuclear weapons, and conflict resolution.[663] According to Article 24 of the UN Charter, the UNSC holds the primary responsibility for maintaining international peace and security. However, as Holsti observed, the UN has operated roughly as envisaged by the Charter's authors only in the cases of the attack on South Korea in 1950 and the invasion of Kuwait by Iraq in 1990.[664]

In this context, Haas emphasized that the UNSC can authorize the use of military force to restore stability; however, its contribution to international order has been, in his opinion, quite limited. When the five permanent members agree (as in the case of the invasion of Kuwait), the UNSC can garner considerable legitimacy for action with widespread international support.[665]

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662 Juergen Kleiner, *Diplomatic Practice. Between Tradition and Innovation* (Singapore: World Scientific, 2010), 211.

663 Kleiner, *Diplomatic Practice*, 267.

664 K. J. Holsti, "The Diplomacy of Security," in *The Oxford Handbook of Modern Diplomacy*, ed. Andrew Cooper, Jorge Heine, and Ramesh Thakur (Oxford: Oxford University Press, 2013), 583.

665 Richard Haas, *The World. A Brief Introduction* (New York: Penguin Books, 2021), 274.

Despite the significant difficulty caused by the veto power of permanent members, the UNSC continues its diplomatic initiatives to seek facts, exercise good offices, maintain peace, and play its role in conflict reduction, as well as act as a brake on and prevent the expansion of instability. This latter function has been challenged since the 1990s, as noted by Barston, by multidimensional internal conflicts and international terrorism.[666]

10.1. Conflict Prevention

As discussed in the second chapter, the UN's preventive diplomacy dates to the initiative of UN Secretary-General Dag Hammarskjöld, who advocated efforts to prevent disputes from escalating into conflicts. Indeed, Parry noted that issues related to conflicts occupy a spectrum ranging from their absence, peace; through emerging conflicts; actual conflict or war; the end of hostilities; to the challenge of building stable and peaceful societies and states.[667] Parry attributes the decrease in conflicts since 1945 to the establishment of an international system "primarily enforced by the UN" and possibly to the increase in the number of "democratically elected governments participating in the international commercial and financial system." Parry identifies several possible causes of conflicts, such as grievances, resentment, weak states, poor governance, ideological or belief-driven pressures, resource exploitation, ethnicities, poverty, and the capacity to finance and support rebellion, among others.[668]

Diplomacy and its various actors (governments, governmental and non-governmental organizations) have, in Parry's words, access to information that indicates the onset of conflicts and need to act, if possible, collectively, to prevent them. They can use techniques to promote dispute resolution, provide financial aid, and development cooperation, and support peace initiatives. They can exert pressure through the imposition of sanctions, such as the confiscation of assets abroad, denial of access

666 R. P. Barston, *Modern Diplomacy*, 5th edition (Abingdon: Routledge, 2019), 304-305.

667 Emyr Jones Parry, "Prevention and Management of Conflict and Settlement of Disputes," *Satow's Diplomatic Practice,* 7th edition, ed. Ivor Roberts (Oxford: Oxford University Press, 2017), 509.

668 Parry, "Prevention and Management," 510.

to travel or the sanctioning country's financial market, arms embargoes, and the preventive deployment of international troops.[669]

10.2. Disarmament and Nuclear Non-Proliferation

Other ways to prevent conflict, especially on a large scale, are disarmament and the non-proliferation of weaponry. According to Johnson, the term "disarmament" has a broad meaning and is used both to describe the process of reducing and eliminating weapons systems and to fulfill the goal of managing the "end state" of weapons that have already been abolished. The term "non-proliferation," on the other hand, has been specifically applied to the non-dissemination or spread of weapons of mass destruction,[670] such as nuclear, chemical, radiological, and biological weapons.

Diplomatic attempts for disarmament and arms control, as Johnson observed, were already present at the Hague Conferences of 1899 and 1907, which addressed restrictions or prohibitions on the use of certain weapons, especially expanding (dumdum) bullets and asphyxiating chemical agents like mustard gas and phosgene, which were later used in World War I.[671] It was only after the conflict that the Geneva Protocol on the Trade in Arms (1925) was approved.[672]

Since World War II, arms control has become an important field of diplomacy focusing on weapons of mass destruction, whether chemical, biological, radiological, or nuclear.[673] Due to the immense destructive power of nuclear weapons, as Holsti emphasized, preventing their proliferation became the main security policy objective among governments, particularly those of the major powers. The Cuban Missile Crisis (1962) led to the negotiation and approval of the Partial Test Ban Treaty (1963),

669 Parry, "Prevention and Management," 510.

670 Rebecca Johnson, "Arms Control and Disarmament Diplomacy," in *The Oxford Handbook of Modern Diplomacy*, ed. Andrew Cooper, Jorge Heine, and Ramesh Thakur (Oxford: Oxford University Press, 2013), 593.

671 Johnson, "Arms Control and Disarmament," 597.

672 Johnson, "Arms Control and Disarmament," 598.

673 Corneliu Bjola and Markus Kornprobst, *Understanding International Diplomacy: Theory, Practice, and Ethics* (Abingdon: Routledge, 2018), 59.

negotiated between the United States, the Soviet Union, and Great Britain. Subsequently, the non-nuclear members of the Eighteen Nation Committee on Disarmament played a significant role in advancing the commitment to disarmament and the right of treaty parties to develop nuclear technologies for non-military purposes.[674]

Under the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) (1968), member countries committed not to develop nuclear weapons, and those possessing them committed to abolishing them. The document established various inspection protocols to ensure that nuclear facilities intended for peaceful purposes did not produce weapons-grade fuel.[675] The Treaty would and continues to be, in Dhanapala's words, the hub of multilateral nuclear disarmament and non-proliferation.[676] Several countries with nuclear programs or aspirations (such as Argentina, Brazil, France, India, and various African countries) abstained on the UN resolution recommending adoption of the NPT.[677]

In a speech to the Disarmament Commission (1968), Ambassador João Augusto de Araújo Castro harshly criticized the NPT for "perpetuating a situation where nuclear powers could maintain their arsenals while others had to assume commitments and external controls."[678]

In Johnson's view, the NPT incorporated into international law the near-universal objective that includes, in addition to disarmament, the prevention of the spread of nuclear weapons and related technologies that also have civilian applications.[679] In this sense, according to Johnson, the NPT became the cornerstone of a regime of interconnected obligations, norms, and rules, including formal and informal arrangements, ranging from the International Atomic Energy Agency (IAEA) to ad hoc the Nuclear Suppliers Group, as well as summits and UNSC resolutions.[680] The countries

674 Johnson, "Arms Control and Disarmament," 599.

675 Holsti, "The Diplomacy of Security," 589.

676 Jayantha Dhanapala, "The Permanent Extension of the NPT," in *The Oxford Handbook of Modern Diplomacy*, ed. Andrew Cooper, Jorge Heine, and Ramesh Thakur (Oxford: Oxford University Press, 2013), 810.

677 Johnson, "Arms Control and Disarmament," 599.

678 Fernando de Mello Barreto, *Os Sucessores do Barão. 1912-1964* (São Paulo: Editora Paz e Terra, 2001), 130.

679 Johnson, "Arms Control and Disarmament," 593.

680 Johnson, "Arms Control and Disarmament," 593-594.

identified as possessing nuclear weapons (the United States, the Soviet Union, the United Kingdom, France, and China) were not required to adhere to the stringent safeguard regime.[681] According to Haas, the NPT recognized the "Nuclear Weapon States" as "legitimate,"[682] a term that could perhaps be understood as "in accordance with international law," which is certainly controversial. Johnson, on the other hand, emphasized the obligation to comply with Article VI of the NPT, which states:

> Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.

After the NPT negotiations were concluded, another significant diplomatic agreement approved during the Cold War was the Biological and Toxin Weapons Convention (1972).[683] In Johnson's opinion, the peace movement of the 1980s "reshaped disarmament diplomacy through its actions, analysis, and appeals," thus "influencing and enabling systemic changes that ended the Cold War."[684] She added that strategic relations transformed dramatically in the early 1990s, "precipitating critical changes in how weapons, disarmament, and diplomacy came to be perceived and practiced."[685]

Johnson also noted that, post-Cold War, it was possible to achieve two important objectives that had been stalled at the Conference on Disarmament (CD): the approvals of the Chemical Weapons Convention—CWC (1992) and the Comprehensive Nuclear-Test-Ban Treaty—CTBT (1994).[686] At the Review and Extension Conference (1995), the NPT was indefinitely extended. In that year, it was estimated that there were 27,131 nuclear weapons in the possession of the United States, Russia,

681 Johnson, "Arms Control and Disarmament," 594.

682 Haas, *The World*, 175.

683 Johnson, "Arms Control and Disarmament," 595.

684 Johnson, "Arms Control and Disarmament," 600.

685 Johnson, "Arms Control and Disarmament," 593.

686 Johnson, "Arms Control and Disarmament," 600.

the United Kingdom, France, and China.[687] The signing of the Budapest Memorandum (1994), where Russia, Ukraine, the United Kingdom, and the United States committed to respecting Ukraine's borders in exchange for its return of the hundreds of nuclear weapons it had inherited from the Soviet Union, was also significant.[688]

In 1995, Brazil announced that it would join the NPT. On this occasion, Foreign Minister Luís Felipe Lampreia presented various arguments for this decision, including "influencing progress towards nuclear disarmament and the destruction of atomic weapons." It marked a reversal of a policy (opposing accession) that had persisted for three decades. This change resulted from various factors, some internal, such as democratization, and others external, including the recognition by the NPT Conference of the right to develop nuclear energy for peaceful purposes.[689]

In 1996, the International Court of Justice declared, in a legal opinion, that nuclear-armed countries had a legal obligation to negotiate nuclear disarmament in good faith,[690] but the document, according to Dhanapala, had little impact on those countries.[691] In his opinion, the accession of recalcitrant countries, such as Argentina, Brazil, and South Africa, as well as three formerly Soviet satellite countries (namely Belarus, Ukraine, and Kazakhstan) that had nuclear weapons on their soil, represented a diplomatic success for the treaty's depositaries.[692] The approval of the Mine Ban Treaty (1997) would also be significant. In that year, the IAEA approved an Additional Protocol model for comprehensive safeguards agreements.

687 Dhanapala, "The Permanent Extension," 811, based on data from *The Natural Resources Defence Council.*

688 Haas, *The World*, 180.

689 Fernando de Mello Barreto, *A política externa após a redemocratização* (Brasília: FUNAG, 2012), Tome I, 497.

690 Mello Barreto, *A política externa*, 499.

691 Dhanapala, "The Permanent Extension," 812.

692 Dhanapala, "The Permanent Extension," 814.

In June 1997, President Fernando Henrique Cardoso sent a message to the National Congress submitting the text of the NPT for approval. He formally requested authorization for Brazil to join, thereby "setting another example of its commitment to disarmament and non-proliferation and taking another step to strengthen Brazil's credentials in contemporary international politics."[693]

In an article published after signing the NPT in New York, Foreign Minister Luís Felipe Lampreia stated that the answer to why the country signed the treaty lies "in the process of changes that international relations have undergone, especially with the end of the Cold War, and in the transformations experienced by the NPT itself, which, from an instrument of power freeze, has been becoming a mechanism of progress in the international strategic scenario."[694]

After the terrorist attacks of September 11, 2001, Johnson noted that the UNSC was used to extend the reach of disarmament treaties to prevent non-state actors from acquiring means to manufacture or use weapons of mass destruction. The UNGA also acted in disarmament by facilitating negotiations for a Program of Action on Small Arms and Light Weapons. As had happened with the Mine Ban Treaty, a group of countries, along with civil society actors, operated outside official diplomatic circles to achieve the approval of the Oslo Convention banning cluster munitions (2008).[695]

In 2010, Brazil and Türkiye issued a Joint Declaration revealing an agreement to send Iran's uranium abroad for enrichment. However, the document, submitted to UNSC members and the IAEA Director-General, was not considered when the UNSC approved a resolution imposing sanctions on Iran. Brazil voted against the draft resolution.[696]

In 2015, an agreement was signed, formally known as the Joint Comprehensive Plan of Action or JCPOA, under which, pressured by the United States, China, France, the United Kingdom, Russia, and Germany,

693 Mello Barreto, *A política externa*, 501.

694 Mello Barreto, *A política externa*, 502.

695 Johnson, "Arms Control and Disarmament," 595.

696 Mello Barreto, *A política externa*, 395-398.

Iran accepted temporary limitations on its ability to produce and store fuel needed for a nuclear bomb.[697]

The NPT currently has 185 member countries, including those that have renounced the nuclear path and the five nuclear-armed countries recognized as such by the treaty (the United States, Russia, China, France, and the United Kingdom). Out of the four countries not recognized by the treaty as having nuclear weapons, three (India, Pakistan, and Israel) did not sign it, and one withdrew from it (North Korea).[698] Kissinger noted in 2014 that two other countries, Japan, and Iran, were at the threshold level of the capability to acquire nuclear weapons.[699]

In 2018, during Donald Trump's administration, the United States withdrew from the agreement with Iran limiting uranium enrichment production and storage, claiming that the document did not limit Iran's missile program or regional influence. Early in the Biden administration, there were attempts to negotiate the country's return to the agreement, but bilateral relations deteriorated, and new sanctions were imposed by the United States on Iran in 2023.

10.3. Direct Negotiation for Conflict Resolution

Bringing the parties to the negotiating table for a diplomatic solution, Parry notes, depends on the timing being ripe, especially if the conflict has already started. Negotiating an end to it, in Parry's opinion, requires a comprehensive approach, beginning with the cessation of hostilities and some form of agreement between the belligerent parties, involving demobilization, disarmament, and reintegration of combat forces, as well as often including a validation system. The challenge, Parry emphasizes, is to prevent the resurgence of armed conflict and ensure security.[700]

The most common form of dispute resolution, Parry observed, is direct negotiation through discussions between the conflicting parties. These typically begin between foreign ministries and diplomatic representatives

697 Haas, *The World*, 177.

698 Johan Verbeke, *Diplomacy in Practice: A Critical Approach* (Abingdon: Routledge, 2023), 180.

699 Henry Kissinger, *World Order* (London: Penguin Books, 2014), 338.

700 Parry, "Prevention and Management," 511.

who make up a country's delegation, sometimes including officials from various ministries. In a second stage, negotiations may be elevated to the head of government level. The essential factor, Parry noted, is the political will to reach an agreement. Usually, these negotiations are conducted in secrecy.[701]

Third-party governments or international organizations can encourage litigants to negotiate. They may undertake frequent trips between the parties (shuttle diplomacy) to build trust among the protagonists, seek preliminary understandings, and listen to interests and concerns to reduce differences. They also work to elucidate the facts concerning the dispute (fact-finding).[702]

10.4. Mediations or Good Offices

Mediation, Aggestam noted, has been practiced since the existence of conflicts and wars. It occurs in 60% of international and internal conflicts. It is distinguished from other peace processes by the presence of a third party. According to the author, its practice includes improving communication channels, designing negotiation processes; shaping and reshaping agendas; suggesting viable formulas for agreements; and influencing the parties' preferences toward reconciliation through persuasion or the use of threats and rewards.[703]

10.4.1. Definition

Mediation is, as Berridge noted, by definition multilateral. It is a form of negotiation designed to promote a solution to a controversy. It is usually used when the disputing parties find it difficult to reach an agreement and agree to accept the mediation of a third party willing to facilitate the negotiation. A study found that between 1945 and 1974, out of a total of 310 conflicts, 255 submitted to some form of mediation.[704]

701 Parry, "Prevention and Management," 514-515.

702 Parry, "Prevention and Management," 516.

703 Karin Aggestam, "Diplomatic Mediation," in *The Sage Handbook of Diplomacy*, ed. Costas M. Constantinou, Pauline Kerr, and Paul Sharp (London: Sage, 2016), 220-221.

704 G. R. Berridge, *Diplomacy: Theory and Practice*, 6th edition (Houndmills and New York: Palgrave, 2002), 187.

Ahtissaari, a famous mediator, and Rintakovsky defined mediation as

> [...] a process of conflict resolution, related to but distinct from the parties' own negotiations, where those in conflict seek the assistance of, or accept an offer of help from, an outsider (whether an individual, organization, group, or state) to change their perceptions or behavior, and to do so without resorting to physical force or invoking the authority of law.[705]

If the relationships between the disputants do not lead to negotiation, Parry reminds, the intervention of a third party can help. Their "good offices" provide an additional communication channel between the parties. Mediation can thus involve the intervention of one or more countries, a disinterested party, or a UN body with the disputants to present proposals aimed at a conciliation solution.[706]

The topics in a peace negotiation may include disarmament, demobilization, and reintegration, as well as issues related to civilians and power-sharing.[707] Ahtisaari and Rintakovski emphasize that a peace agreement is the beginning, not the final act. For them, implementing a treaty and the resulting democratic changes in society constitute the true test of the agreement and will take several years.[708]

10.4.2. Classification

There are various types of mediation. In Bjola and Kornprost's classification, the types are based on facilitating communication, on procedures and on strategies.[709] In Ahtisaari and Rintakovski's classification, mediations can be carried out to *facilitate* (without recommendations to the parties), to *evaluate* (with recommendations), or to *transform* (enabling

705 Martti Ahtisaari and Kristina Rintakovski, "Mediation," in *The Oxford Handbook of Modern Diplomacy*, ed. Andrew Cooper, Jorge Heine, and Ramesh Thakur (Oxford: Oxford University Press, 2013), 338.

706 Parry, "Prevention and Management," 517.

707 Ahtisaari and Rintakvoski, "Mediation," 347.

708 Ahtisaari and Rintakvoski, "Mediation," 349.

709 Bjola and Kornprobst, *Understanding International Diplomacy*, 103.

the parties to understand the available options so they can choose the ones they want).[710]

According to Aggestam, mediations can be formal and official ("*pure mediation*") or informal and unofficial ("*principal mediation*"). An example of the former is the one conducted by US President Jimmy Carter between Israel and Egypt (1979); the latter is the facilitation of secret talks between Israel and the PLO (1992-1993) promoted by a Norwegian NGO.[711] Depending on the challenges for the mediators, mediations would aim, according to Aggestam, to achieve three main objectives: overcoming resistance to negotiation; finding the right time to conduct them; and finally, both inducing and maintaining the good faith of the parties.[712]

10.4.3. Neutrality

Traditionally, mediators are required to be neutral and impartial. According to Berridge, the mediator should be a third party not directly involved in the conflict. His or her impartiality should be substantial, at least at the beginning of the negotiation and concerning the disputed issue. Their role is not simply to facilitate negotiations or provide good offices but to actively seek a solution to the conflict.[713]

Ahtisaari and Rintakovski argue that the requirement of absolute neutrality is impractical. Those authors prefer the term honest broker.[714] They note that mediators can play various roles: hosts, observers, facilitators, formulators, educators, manipulators, or advocates.[715] They also believe the mediator should have real power to act on behalf of the parties and to implement an agreement. They emphasize that it is important for the parties to demonstrate a true intention to explore a political solution, something to be ensured in the prenegotiation phase.[716]

710 Ahtisaari and Rintakvoski, "Mediation," 341.
711 Aggestam, "Diplomatic Mediation," 223.
712 Aggestam, "Diplomatic Mediation," 224-226.
713 Berridge, *Diplomacy: Theory and Practice*, 188.
714 Ahtisaari and Rintakvoski, "Mediation," 342.
715 Ahtisaari and Rintakvoski, "Mediation," 341.
716 Ahtisaari and Rintakvoski, "Mediation," 345.

10.4.4. Mediators

Mediators can be governments of third countries, international organizations, NGOs, or even individuals who offer their services and efforts to achieve peace.

a) Governments

Governments of countries continue to be important actors in mediation as they often act in conflicts that threaten their interests. According to Ahtisaari and Rintakovski, there are some reasons why a country is willing to provide this service. One is its status in the international community. Another is the concern with the instability created by the conflict. Not only do great powers see mediation as a way to extend their network of influence, but medium powers also engage in mediation efforts.[717]

Some examples of Brazilian mediation include the border conflict between Peru and Ecuador in 1995[718] and the Turkish-Brazilian mediation between Iran and other countries in 2010 regarding the shipment of uranium for enrichment abroad.[719]

b) International Organizations

Sometimes, mediation is carried out through an international organization that has this function in its statutes, particularly the UN, which has been the main actor in promoting peace. Its Charter contains several articles on its role in mediation (Articles 33, 36, 37, 38, and 99), giving it, in Ahtisaari and Rintakovski's opinion, unparalleled legitimacy. It has a secretariat, agencies, resources, and programs involved in all conceivable topics. It is the only body that can mediate from the start, administer peacekeeping forces, raise resources, aid, and conduct long-term reconstruction and development.[720]

717 Berridge, *Diplomacy: Theory and Practice*, 190-191.

718 Fernando de Mello Barreto, *A política externa após a redemocratização* (Brasília: FUNAG, 2012), tome I, 383-392.

719 Bryce Block, Catherine Cousar, and Jeremi Suri, "France," in Robert Hutchings and Jeremi Suri, *Modern Diplomacy in Practice* (London: Palgrave MacMillan, 2020), 11; Mello Barreto, *A política externa*, Tome II, 395-398.

720 Ahtisaari and Rintakvoski, "Mediation," 338-339.

Besides the UN, other actors—regional and international organizations—have gradually become active in promoting peace and mediation. Among the regional organizations are the European Union (EU), the African Union (AU), the Organization for Security and Cooperation in Europe (OSCE), and the Association of Southeast Asian Nations (ASEAN).[721]

When he was Secretary-General of the OAS, the Brazilian Ambassador Baena Soares mediated conflicts in Central America and the Caribbean, especially in Haiti.[722]

c) NGOs

Non-governmental organizations have also acted as mediators, and their activity is known as Track II to differentiate it from the official, Track I.[723] Track II mediations include some promoted by the Carter Center and religious organizations (such as the Quakers and the Order of Sant'Egidio) that wield influence capable of facilitating understanding.[724]

10.4.5. Evaluations

The success or failure of mediations is attributed by Bjola and Kornprost to various causes, including the mediator's impartiality or lack thereof, the nature of the conflict, and the relationship between the mediator and the conflicting parties.[725]

According to Berridge, the mediator may conclude that there is no basis for negotiation between the parties and limit themselves to merely offering a venue for the parties to meet. Once they have managed to bring the parties to the negotiation table, their performance will depend on their own motivations, influence, diplomatic skill, and their [moral or political] stature relative to the parties. The support the mediator receives from other countries will contribute to the success of the mediation. The author also advised that the mediator should strive to prevent the parties from

721 Ahtisaari and Rintakvoski, "Mediation," 339.

722 Mello Barreto, *A política externa*,140, 144, 201-202, 247-249.

723 Ahtisaari and Rintakvoski, "Mediation," 339.

724 Berridge, *Diplomacy: Theory and Practice,* 194.

725 Bjola and Kornprobst, *Understanding International Diplomacy*, 104-105.

abandoning face-to-face negotiations and should guide them towards a successful conclusion. In this sense, they may propose solutions that save face with the domestic public.[726] They should also ensure that the final agreement does not appear to favor the mediator or one of the litigants.[727]

10.5. Arbitration

Arbitration is, in Parry's definition, the determination of a result by a binding decision of one or more arbitrators or a tribunal chosen by the parties or by a method agreed upon by the parties.[728]

The International Court of Justice (ICJ) is responsible for deciding, in accordance with international law, disputes submitted to it, but its role is limited to cases where the interested state has agreed to accept its jurisdiction.[729] Once the ICJ has decided on a matter, if the litigant party does not comply with the judgement, the other party may resort to the UNSC, which may make recommendations or decide upon measures to be taken to give effect to the judgement.[730]

An arbitral decision, Parry recalls, does not differ from a judicial settlement by the ICJ in that it is equally binding on the parties. However, the parties must bear the costs of arbitration. Besides this difference, there are two others: in judicial decisions, states transfer the jurisdiction of specified disputes to an international court, and the parties cannot choose the judges.[731]

10.6. Peacekeeping

As Barston observed, UN peacekeeping forces have traditionally operated under the principles of impartiality: the use of light weaponry, adherence to defensive rules of engagement, and submission to the

726 Berridge, *Diplomacy: Theory and Practice*, 189.

727 Berridge, *Diplomacy: Theory and Practice*, 190

728 Parry, "Prevention and Management," 519.

729 Elizabeth Wilmshurt, "The International Court of Justice," in Satow's *Diplomatic Practice*, 7th Edition, ed. Ivor Roberts (Oxford: Oxford University Press, 2017), 526.

730 Wilmshurst, "International Court of Justice," 530.

731 Parry, "Prevention and Management," 519-520.

consent of the host state.[732] At the height of the era of national wars in the early 1990s, as Holsti noted, the UN had more than 78,000 troops in the field.[733] With the collapse of institutions in countries experiencing internal conflicts, especially the judiciary and police, the concept began to evolve, according to Chesterman, beyond military and humanitarian tasks to include the "promotion of national reconciliation and the reestablishment of effective government."[734]

Since 2000, according to Barston, the UN has been involved in three types of operations: stabilization, interim security, and peace accord/civilian protection.[735] In a significant initiative in 2001, a report by the International Commission on Intervention and State Sovereignty referred to a conceptual framework for halting mass atrocities through a responsibility to prevent, react, and rebuild.[736] It called for the "responsibility to rebuild" to be seen as part of any intervention.[737] The language of the summit outcome document, as Weiss observed, clearly accepted the specific state responsibility to protect populations from genocide, war crimes, ethnic cleansing, and crimes against humanity.[738]

The result of this diplomatic exercise, according to Spence et al., is that every sovereign country must protect and uphold the rights of civilians within their territories. To this end, it must ensure the individual rights of people within its territories and protect them from widespread human rights abuses such as genocide, ethnic cleansing, war crimes, and crimes against humanity. It must also assist struggling states in ensuring these rights. Finally, in extreme cases, it has the right to intervene militarily when gross human rights abuses occur,[739] a topic addressed later in Chapter 11.

732 Barston, *Modern Diplomacy*, 307.

733 Holsti, "The Diplomacy of Security," 587.

734 Simon Chesterman, "Peace-Building and State-Building," in *The Oxford Handbook of Modern Diplomacy*, ed. Andrew Cooper, Jorge Heine, and Ramesh Thakur (Oxford: Oxford University Press, 2013), 611.

735 Barston, *Modern Diplomacy*, 305.

736 Thomas G. Weiss, "The Responsibility to Protect (R2P) and Modern Diplomacy," in *The Oxford Handbook of Modern Diplomacy*, ed. Andrew Cooper, Jorge Heine, and Ramesh Thakur (Oxford: Oxford University Press, 2013), 763.

737 Chesterman, "Peace-Building and State-Building," 616.

738 Weiss, "The Responsibility to Protect," 771.

739 E. Spence, Claire Yorke, and Alastair Masser, "Introduction," in *New Perspectives on Diplomacy. A New Theory and Practice of Diplomacy* (London: I.B. Tauris, 2021), 31.

10.7. Conclusions

Diplomacy related to issues of peace and security is mainly conducted within the framework of the UNSC, but also through the mediation of third countries, regional organizations, and NGOs. It also involves arbitrations and decisions by international tribunals. Within foreign ministries, these matters are monitored and directed by political departments and, in foreign posts, through both multilateral and bilateral channels. Essentially, this represents the highest task of diplomacy: to prevent war and preserve peace, thereby ensuring the basic rights of populations, including the right to life.

Chapter 11
Human Rights Diplomacy

This chapter briefly examines the diplomatic practice in human rights matters. For that purpose, it deals with the evolution of negotiations; the application of resulting international agreements; the international bodies in which diplomats operate; the influence of NGOs; the central issue of the conflict between sovereigntists and interventionists; and finally, presents some general conclusions.

11.1. History

The historical development and construction of the human rights framework in universal history is extensive, with major milestones including the Magna Carta (1215), the English Bill of Rights (1689), the Declaration of the Rights of Man and of the Citizen issued during the French Revolution (1789), and the United States Bill of Rights (1791). However, from the perspective of current practice, human rights diplomacy advanced significantly following the promulgation of the UN Charter (1945).

11.1.1. UN Charter and Covenants

The protection and promotion of human rights are enshrined in Article 55 of the UN Charter (1945), which mandates the promotion of "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion." All UN member countries, according to Article 56, are committed to upholding these rights. However, the Charter did not specify which human rights were to be protected. For this reason, the Human Rights Commission and the UN General Assembly (UNGA) worked towards the adoption of the Universal Declaration of Human Rights (1948).

Since then, numerous treaties have been signed and ratified by more than 60 of the approximately 190 existing countries.[740] Two covenants concluded in 1966 strengthened and gave specificity to Article 55 of the UN Charter by affirming both civil and political rights as well as social, economic, and cultural rights without privileging either one.[741] The first covenant includes rights such as life, liberty, fair trial, freedom of movement, thought, peaceful assembly, family, and privacy. It prohibits slavery, torture, cruel treatment, inhumane and degrading punishments, discrimination, arbitrary arrest, and debt imprisonment. The second addresses rights to education, food, health care, housing, and fair working conditions.[742]

In addition to the 1966 covenants, eight international instruments, considered by Clooney as the principal ones in human rights matters, are noteworthy.[743] The first is the Convention Against Torture (1984) and the second is its Optional Protocol (2002). These instruments prohibit states from subjecting citizens to torture and other forms of cruel, inhumane, and degrading treatment. The other six instruments, summarized by Clooney, address enforced disappearance, racial discrimination, women's rights, children's rights, migrant workers, and persons with disabilities.[744]

11.1.2. Other Instruments

In addition to these eight principal instruments, several others are also the subject of diplomatic activity. For example, the Convention on Genocide requires states to prevent and punish genocide, and the Rome Statute established the International Criminal Court (ICC) with norms on genocide and other international crimes. The Convention on the Status of Refugees guarantees them the right not to be forced to return to their

740 David P. Forsythe, "Human Rights," in *The Oxford Handbook of Modern Diplomacy*, ed. Andrew Cooper, Jorge Heine, and Ramesh Thakur (Oxford: Oxford University Press, 2013), 659.

741 Andrew F. Cooper, Jorge Heine, and Ramesh Thakur, "Introduction: The Challenges of 21st–Century Diplomacy," in *The Oxford Handbook of Modern Diplomacy* (Oxford: Oxford University Press, 2013), 13.

742 Johan Verbeke, *Diplomacy in Practice: A Critical Approach*, (Abingdon: Routledge, 2023), 216-217.

743 Amal Clooney, "Human Rights," in *Satow's Diplomatic Practice*, 7th edition, ed. Ivor Roberts (Oxford: Oxford University Press, 2017), 309.

744 Clooney, "Human Rights," 310.

countries if their lives or freedom are threatened due to their national, racial, religious, social, or political identity.[745]

There are also regional instruments, such as the OAS Charter (1948), which includes references to human rights; the American Declaration of the Rights and Duties of Man (1948), which focuses on rights and predates the UN's declaration; and the American Convention on Human Rights, derived from the 1966 UN convention on civil and political rights. The Inter-American Court of Human Rights (IACHR), based in Costa Rica, adjudicates cases based on this convention.[746]

Between 1985 and 1986, after its redemocratization, Brazil signed the following human rights agreements: the "International Covenants on Human Rights" on both Civil and Political Rights, and Economic, Social, and Cultural Rights; the "American Convention on Human Rights"; the "Convention: Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment"; and the "Inter-American Convention to Prevent and Punish Torture."[747]

11.2. International Bodies

Globally, diplomatic activity related to human rights is concentrated in the UN Human Rights Council in Geneva, and the Third Committee of the UNGA in New York. The former is tasked with monitoring and enforcing compliance with international treaties. The latter is responsible for approving or rejecting resolutions on the subject. However, human rights are also addressed by the ICC and are present in the Responsibility to Protect doctrine, mentioned later in this chapter.

11.2.1. Human Rights Council

The UNHRC was established in 2006, replacing the Commission of the same name, which, in the words of UN Secretary-General Kofi Annan, had "cast a shadow over the reputation of the UN system as a whole."[748]

745 Clooney, "Human Rights," 311.

746 Clooney, "Human Rights," 312.

747 Fernando de Mello Barreto, *A política externa após a redemocratização*, (Brasília: FUNAG, 2012), tome I, 43.

748 Clooney, "Human Rights," 316.

The creation was approved by 170 of the then 190 UN members. Countries that voted against the initiative included the United States and Israel, while Iran and Venezuela abstained.

The UNHRC consists of forty-seven countries, whereas the Human Rights Commission had fifty-three member countries. Its main function is to investigate and report on the human rights performance of states. The body oversees the Universal Periodic Review (UPR) process, a public assessment of the human rights records of the 193 UN member states. This is a peer review process, where each member country has the right to comment on the human rights situation in other countries and propose recommendations. The Council also examines statements from national human rights institutions and NGOs with consultative status at ECOSOC. In April 2022, by ninety-three votes in favor, twenty-four against, and fifty-eight abstentions, the UNGA suspended Russia from the UNHRC for reports of "gross and systematic violations and abuses" by Russian troops in Ukraine.

Forsythe noted that, within the UNHRC, member states tend to publicly criticize their political adversaries more than their allies. He observed that this trend, which began during the Cold War, continues to this day. He added that some expressions of human rights diplomacy are subject to both theory and practice. He exemplified this with the United States, which during the Cold War overlooked human rights violations by some states in the effort to resist communism, while maintaining contrary rhetoric in forums such as the OAS.[749]

11.2.2. International Criminal Court

Also relevant in human rights matters is the creation of the International Criminal Court (ICC). With strong impetus from NGOs, as Schiff reports, the UNGA in 1989 requested the ICJ to draft a statute for a criminal court. The experiences of ad hoc tribunals for cases from the former Yugoslavia and Rwanda, noted Parry, contributed to the momentum

749 Forsythe, "Human Rights," 662-663.

for establishing the ICC.[750] Negotiations culminated in a diplomatic conference held in Rome in 1998, during which a statute for the ICC was produced, coming into force in 2002 after ratification by 60 countries.[751] Countries advocating its creation did not waver, according to Forsythe, in the face of opposition from the United States, China, and Russia.[752]

As Schiff observes, the ICC is a court of last resort, invoked when states that should exercise jurisdiction over a crime do not do so.[753] The ICC faced strong criticism from the United States during George W. Bush's administration, when then-US Ambassador to the UN, John Bolton, conveyed to Secretary-General Kofi Annan the US intention not to become a member of the statute, thus avoiding being held accountable under treaty law.[754]

Haas notes that, with its mandate restricted to trying war crime defendants, the ICC theoretically contributes to deterring individuals and governments from committing atrocities. However, Haas argues, this weakens the ICC as it cannot arrest those allegedly responsible for crimes.[755]

11.2.3. Other Bodies

Another UN body focused on the topic is the Office of the High Commissioner for Human Rights (OHCHR). Established in 1993, it is also based in Geneva and provides administrative support to the Council and associated bodies. It maintains offices in a dozen countries and eight regional offices that monitor and report human rights abuses to the High Commissioner.[756]

750 Emyr Jones Parry, "Prevention and Management of Conflict and Settlement of Disputes," *Satow's Diplomatic Practice*, 7th edition, ed. Ivor Roberts (Oxford: Oxford University Press, 2017), 540.

751 Benjamin N. Schiff, "Diplomacy and the International Criminal Court," in *The Oxford Handbook of Modern Diplomacy*, ed. Andrew Cooper, Jorge Heine, and Ramesh Thakur (Oxford: Oxford University Press, 2013), 746.

752 Forsythe, "Human Rights," 664.

753 Schiff, "Diplomacy and the International Criminal Court," 747.

754 Schiff, "Diplomacy and the International Criminal Court," 748.

755 Richard Haas, *The World. A Brief Introduction*, (New York: Penguin Books, 2021), 277.

756 Clooney, "Human Rights," 318.

The UN system also includes committees of unpaid experts who monitor the implementation of human rights from the eight main international instruments. There are also fifty-five procedural groups composed of independent, also unpaid, experts appointed by the Council to report and advise on thematic or country-specific perspectives.[757]

Of significance in human rights matters, in Chesterman's opinion, is the establishment of the UN Peacebuilding Commission (2005), an intergovernmental advisory body[758] with a mandate to provide advice to the UNGA and the UNSC. It supports peace efforts in countries affected by conflicts or in post-conflict situations and has focused on cross-border and regional issues.

11.3. Non-Governmental Organizations

The International Committee of the Red Cross (ICRC) and a few NGOs, such as the Anti-Slavery Society, Forsythe noted, have existed since the 19th century, and defend human dignity. However, following the creation of the UN and especially in the 1960s, there was a proliferation of these entities.[759]

Today, although there are thousands of active NGOs in international relations trying to improve individual conditions, Forsythe reports that fewer are focused on recognized human rights. Among these, even fewer have the resources to address the issue in many locations. The international groups that continue to attract the attention of major governments number about a dozen.[760]

Two of the most prominent human rights NGOs are, in Forsythe's opinion, Amnesty International and Human Rights Watch. The former was founded in 1961 and initially focused on political prisoners under the Salazar regime in Portugal. The latter started in Finland in 1978 to monitor the implementation of the Helsinki Accords (1974) signed between NATO

757 Clooney, "Human Rights," 319-320.

758 Simon Chesterman, "Peace-Building and State-Building," in T*he Oxford Handbook of Modern Diplomacy*, ed. Andrew Cooper, Jorge Heine, and Ramesh Thakur (Oxford: Oxford University Press, 2013), 619.

759 Forsythe, "Human Rights," 668.

760 Forsythe, "Human Rights," 668.

and the Warsaw Pact, which included human rights issues. These two human rights and humanitarian NGOs are the most active in diplomatic circles in New York, Washington, Geneva, and other diplomatic centers.[761]

Forsythe concludes that NGOs, whether individually or collectively, have achieved some successes in defending and protecting human rights. They have helped shape the content and, ultimately, the adoption of the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. They have supported countries already inclined to uphold human rights and have aided smaller developing countries in keeping up with large and more complex diplomatic negotiations. They can also help in drafting more precise texts. However, Forsythe notes, they do not possess the power to completely change the views of antagonistic states.[762]

11.4. Sovereignty and Non-Intervention

The central issue concerning human rights involves, on the one hand, the universality of these rights, and on the other, the sovereignty of states and the principle of non-intervention in their internal affairs. Article 2.7 of the UN Charter stipulates that none of its provisions authorizes intervention in matters that are essentially within the domestic jurisdiction of any state. It could be argued that the adverb "essentially" allows for the exception of universal rights violations from this non-intervention prohibition. However, this is not an explicit exception, as is the case with the prohibition on the application of measures adopted by the UNSC under Chapter VII of the Charter to maintain or restore peace and security.

According to Verbeke, it is difficult to reconcile the promotion of human rights—the right to defend them whenever and wherever they are at risk of being violated—and the respect for sovereignty, that is, the duty to refrain from interfering in the internal affairs of another country. One UN provision incites intervention, while another prohibits it.[763] This duality is explicit in the existence of two contradictory principles: one

761 Forsythe, "Human Rights," 668.

762 Forsythe, "Human Rights," 669.

763 Verbeke, *Diplomacy in Practice*, 227.

contained in Article 55 of the UN Charter, which deals with the promotion of "universal respect for, and observance of, human rights and fundamental freedoms," and the other in Article 2.7, which disallows intervention in the national jurisdiction of any country.[764]

Forsythe offers a reconciliation attempt by suggesting that the current international system is no longer characterized simply by "separatist" sovereignty but by a "solidary" view of pockets of sovereignty that tend towards supranational or quasi-supranational institutions.[765] Another justification for intervention is given by Kleiner, who states that Western diplomats attempt to promote human rights in countries where there is a need for them. They interfere in the internal affairs of the host country as they try to protect its citizens against their own government. They sometimes argue that if the system denies citizens basic political rights, it should no longer be considered an internal matter. However, Kleiner notes that international practice does not confirm this understanding, as countries that violate human rights use the principle of non-interference to dismiss foreign efforts to change authoritarian structures. A declaration by the European Community that "the protection of human rights and fundamental freedoms can in no way be considered an interference in the internal affairs of a country" is not, for Kleiner, a legally sustainable argument outside the EU.[766]

11.5. Duty to Intervene?

A fundamental discussion in the realm of human rights has been sparked by the view of some that the UNSC not only has the right but also the duty to intervene in cases of flagrant human rights violations, as the body has the "responsibility to protect populations from genocide, war crimes, ethnic cleansing, and crimes against humanity." As Roberts recalls, "Responsibility to Protect" was the title of a report by the International Commission on Intervention and State Sovereignty, endorsed at the UN

764 Verbeke, *Diplomacy in Practice*, 227-228.

765 Forsythe, "Human Rights," 672.

766 Juergen Kleiner, *Diplomatic Practice. Between Tradition and Innovation* (Singapore: World Scientific, 2010), 84.

World Summit in 2005.[767] Clooney reinforces this idea by arguing that the elements of the doctrine were endorsed by the UN Secretary-General and 150 Heads of State and Government at the 2005 summit after the Secretary-General called on states to agree to the "principle" that massive and systematic human rights violations should not be allowed to persist.[768] Similarly, Haas believes that the Responsibility to Protect provides, in principle, a basis for interventions by other countries and regional and global organizations (whether through words, sanctions, or even military force) in situations where governments carry out or fail to prevent atrocities against people living in their territory.[769]

In 2011, Brazil presented to the UNSC the concept of responsibility while protecting, which, if accepted, would restrict the use of force in protection to "a careful, proportional action limited to the objectives established by the Security Council."[770]

11.6. Evaluations

According to Haas, democracies share not only fair and free elections but also a system of checks and balances that limits the power of government officials and protects basic individual rights. Haas asserts that there is considerable evidence that mature democracies (those with strong constitutions, significant checks and balances on power, and extensive individual rights) tend not to attack other democracies.[771] In other words, respect for human rights is linked to the issue of global peace and security.

Wilmshurt believes that diplomats cannot leave international human rights bodies solely in the hands of lawyers, as the impact of court decisions and international criminal law can be felt in many areas.[772] Similarly, Verbeke states that the execution of human rights can be frustrating for

767 Ivor Roberts, "Diplomacy—A Short History from Pre-Classical Origins to the Fall of the Berlin Wall," in *Satow's Diplomatic Practice*, 7th edition, ed. Ivor Roberts (Oxford: Oxford University Press, 2017), 32.

768 Clooney, "Human Rights," 305.

769 Haas, *The World*, 259.

770 Speech by Minister of Foreign Affairs, Antonio de Aguiar Patriota, at the UNSC on September 21, 2012.

771 Haas, *The World*, 271.

772 Elizabeth Wilmshurt, "Prosecutions," in *Satow's Diplomatic Practice*, 7th edition, ed. Ivor Roberts (Oxford: Oxford University Press, 2017), 540.

diplomacy, as their implementation is, according to him, unsatisfactory.[773] He lists some reasons for this situation. One is the "selective indignation" in condemning human rights violations. A second one is the resentment of a country having to listen to admonitions from another country with a questionable human rights record.[774]

11.7. Conclusions

Human rights diplomacy deals with the pursuit of noble ideals, albeit difficult to achieve, especially at local levels, far from international or central government spheres. On the other hand, along with environmental diplomacy, it challenges the Westphalian concept of sovereignty and related principles, such as non-intervention in internal affairs. However, recent diplomatic practice indicates a growing acceptance that human rights should not only be respected but also constitute an obligation to intervene to prevent gross violations, such as genocides and ethnic cleansings.

773 Verbeke, *Diplomacy in Practice*, 227.

774 Verbeke, *Diplomacy in Practice*, 230-231.

Chapter 12
Economic Diplomacy

Economic diplomacy was defined by Woolcock as "a process of decision making and negotiation in international economic relations focused on issues such as trade, investment, and finance."[775] Besides these three topics, for some, economic diplomacy also includes international economic cooperation.[776] In a few countries, such as Australia, Canada, the Netherlands, and Denmark, there have been mergers of ministries of development cooperation with the ministry of foreign affairs.[777]

According to Woolcock, perhaps more than other types of diplomacy, economic diplomacy requires reconciling national and international policies,[778] as almost all its negotiations involve some form of reciprocity, either explicit or implicit.[779] This characteristic could also explain the need for special coordination between the ministry of foreign affairs and other public agencies. To improve coordination, some countries have experimented with establishing formal inter-ministerial arrangements, as was the case in the Netherlands.[780] In most economic diplomacy matters, however, ministries of foreign affairs are secondary and sometimes must struggle to make themselves heard.[781]

The origin of contemporary economic diplomacy can be traced back to the post-war period when international financial organizations (World

775 Stephen Woolcock, "Economic Diplomacy," in *Diplomacy in a Globalizing World*, ed. Pauline Kerr and Geoffrey Wiseman (Oxford University Press, 2013), 209.

776 Maaike Okano-Heijmans, "Economic Diplomacy," in *The Sage Handbook of Diplomacy*, ed. Costas M. Constantinou, Pauline Kerr, and Paul Sharp (London: Sage, 2016), 556.

777 Okano-Heijmans, "Economic Diplomacy," 558-559.

778 Woolcock, "Economic Diplomacy," 213.

779 Woolcock, "Economic Diplomacy," 222.

780 Okano-Heijmans, "Economic Diplomacy," 558.

781 Stephen Woolcock and Nicholas Bayne, "Economic Diplomacy," in *The Oxford Handbook of Modern Diplomacy*, ed. Andrew Cooper, Jorge Heine, and Ramesh Thakur (Oxford: Oxford University Press, 2013), 389.

Bank and IMF) and the UN were created. Within the UN system, economic discussions and deliberations take place in the Second Committee of the UN General Assembly, where the Group of 77, composed of developing countries, dominates the final voting on economic resolutions,[782] even though the topics may originate from other forums such as ECOSOC in Geneva.

The creation of broader economic summits dates to the 1970s. These meetings originated from the oil crisis (1973) and the subsequent global economic recession.[783] They began in France in 1975 and were formalized in 1977 with the participation of the United States, United Kingdom, France, Italy, West Germany, and Japan. The group would be known as the G7 after Canada became a member (the European Community would become a non-numbered member). Two decades later, Russia was gradually included in the meetings (called the G8), but it was expelled in 2014 after invading Crimea.[784] Rapidly growing countries such as China, Brazil, India, Mexico, and South Africa, as well as some selected African leaders, have been invited to "reach out" sessions during summits.[785]

Some forums influence others. For example, in the 1970s, the OECD's work on technical barriers to trade and government procurement was transferred to the GATT during the Tokyo Round. OECD studies on agriculture, services, and investments in the 1980s would shape the Uruguay Round, and its initiatives on investment agreements would serve as a basis for the MAI negotiations.[786]

In some international economic forums, not only career diplomats but also other specialized government representatives participate. For instance, in preparing summits like the G20, foreign service members act as sherpas or sub-sherpas.[787] The group originated in 1999 with meetings of finance ministers and central bank governors from nineteen countries

782 Geoffrey Wiseman and Soumita Basu, "The United Nations," in *Diplomacy in a Globalizing World*, ed. Pauline Kerr and Geoffrey Wiseman (Oxford University Press, 2013), 327.

783 Ivor Roberts, "The G8/G7, G20, BRICS, WTO, OECD, IMF, and the World Bank," in *Satow's Diplomatic Practice* (Oxford: Oxford University Press, 2017), 377.

784 R. P. Barston, *Modern Diplomacy*, 5th edition (Abingdon: Routledge, 2019), 119.

785 Roberts, "Diplomacy—A Short History," 377.

786 Woolcock, "Economic Diplomacy," 214.

787 Woolcock, "Economic Diplomacy," 217.

and the EU. Its goal was to expand the G8 in response to criticisms of its lack of representativeness. From the 2008 financial crisis onwards, the G20 began meeting as a summit. Collectively, it would represent 85% of the global GDP.[788]

Another relevant forum, BRICS, originated, as Roberts reports, from an acronym used by economist Jim O'Neill in a report on the growth prospects of the economies of Brazil, Russia, India, and China, countries that collectively represented a considerable percentage of the global GDP, though less than the G20. In 2006, the four countries decided to meet annually for coordination. In 2009, they decided to elevate the meetings to summits. In 2014, they launched their New Development Bank.[789] In a meeting held in 2023, BRICS announced the entry of six new members: Saudi Arabia, Argentina (whose new government would not adhere), United Arab Emirates, Egypt, Ethiopia, and Iran, prompting comparisons to the Non-Aligned Movement and its informal arm, the G15, which has held summits since 1990 of the countries comprising what is now called the Global South.

Diplomats also operate in the OECD, an organization that originated from the Marshall Plan after World War II, initially aimed at providing mutual assistance within the European economy. Created in 1948, it expanded its activities in 1959 when the then Federal Republic of Germany, France, the United Kingdom, and the United States agreed that their next steps would be to address policies for trade and the development of less developed countries. Two years later, in 1961, it changed its name to the OECD. Its current mission is to help member countries achieve sustainable economic development and raise their living standards while maintaining financial stability.[790]

12.1. Trade

Foreign trade has traditionally been a topic of interest in diplomacy,[791] although trade policy or export promotion has not been handled by career

788 Roberts, "Diplomacy—A Short History," 378.

789 Roberts, "Diplomacy—A Short History," 380.

790 Roberts, "Diplomacy—A Short History," 382.

791 Barston, *Modern Diplomacy*, 212.

diplomats in many countries but by officials from trade ministries or other government agencies. In some countries, such as Canada, Australia, New Zealand,[792] and Argentina,[793] the ministries of foreign affairs and trade have merged[794] and maintain a single structure in the capital and at foreign posts, although each of these departments (in the case of the first three countries) has a different head, something possible in parliamentary systems of government. Countries have presented different solutions to the issue of responsibility for trade negotiations. Thus, in Japan, the ministry of foreign affairs takes the lead; in Norway, the ministry of foreign affairs handles multilateral negotiations, and the ministry of trade handles bilateral ones; in the United States, the Office of the U.S. Trade Representative (USTR) is directly subordinate to the Presidency.[795]

12.1.1. Trade Policy

Since the end of World War II, diplomacy related to trade policy has developed initially in the GATT, later in the WTO, and concurrently in the growing number of regional initiatives. After protectionist practices exacerbated the Great Depression of the 1930s, the mistakes made by such policies taught lessons that the 20th century tried to correct shortly after World War II with the signing of the General Agreement on Tariffs and Trade (1947), known by its acronym GATT. Within its scope, the practice of periodic negotiation rounds began: the Kennedy Round lasted three years (1964-1967); the Tokyo Round, six years (1973-1979), and the Uruguay Round, eight years (1986-1994).

Negotiations on tariffs and market access, Freeman noted, assumed increasing importance. Efforts to liberalize private trade terms involved foreign and trade ministries, as well as specialized ambassadors, in addition to resident and consular officials.[796] In the 1980s, multilateral

792 Greg Mills, "Trade and Investment Promotion," in *The Oxford Handbook of Modern Diplomacy*, ed. Andrew Cooper, Jorge Heine, and Ramesh Thakur (Oxford: Oxford University Press, 2013), 407.

793 Okano-Heijmans, "Economic Diplomacy," 558.

794 Woolcock, "Economic Diplomacy," 218.

795 Okano-Heijmans, "Economic Diplomacy," 559.

796 Chas W. Freeman and Sally Marks, "Diplomacy," Politics, Law & Government, International Relations, Britannica, last modified June 19, 2022, https://britannica.com/topic/diplomacy#233733.

trade rules, essentially tariff-based, expanded to address non-tariff measures such as industrial subsidies, technical barriers to trade, and government procurement. In the following decade, they began to incorporate phytosanitary measures, services, trade-related intellectual property rights, and trade-related investment measures.[797]

After the disintegration of the Soviet Union in 1990, as Tussie noted, regional trade negotiations increased, resulting, among others, in the North American Free Trade Agreement (NAFTA) (1990), MERCOSUR (1991), and the launch of a Free Trade Area of the Americas (FTAA) (1994).[798] Globally, by a decision of the Uruguay Round, the GATT was replaced by the WTO (1995).[799] The new organization would negotiate multilateral rules for all forms of trade, industrial goods, agriculture, and services.[800] Moreover, commitments would become binding, at considerable cost if not fulfilled. For this purpose, a WTO Understanding on Dispute Settlement was approved.[801] There was also growth in plurilateral regimes such as an Information Technology Agreement (ITA) and a Government Procurement Agreement (GTA) .[802]

Since the inception of the WTO (1995), Brazil has become one of its most active members. The Brazilian delegation in Geneva has stood out in both negotiations and participation in the dispute settlement system. It has also used that forum for negotiations with other countries, such as those related to the so-called Brazilian "automotive regime."

Multilateral meetings, Malone observed, have been mainly managed by senior negotiators sent from capitals, although these teams are supported by diplomats accredited to the WTO in Geneva or the EU headquarters in Brussels.[803] As the WTO gained importance and increased its number of members, Tussie opined, it became more controversial, as demonstrated by

797 Woolcock and Bayne, "Economic Diplomacy," 392.

798 Diana Tussie, "Trade Diplomacy," in *The Oxford Handbook of Modern Diplomacy*, ed. Andrew Cooper, Jorge Heine, and Ramesh Thakur (Oxford: Oxford University Press, 2013), 629.

799 David Malone "The Modern Diplomatic Mission," in *The Oxford Handbook of Modern Diplomacy*, ed. Andrew F. Cooper, Jorge Heine, and Ramesh Thakur (Oxford: Oxford University Press, 2013), 127.

800 Woolcock and Bayne, "Economic Diplomacy," 390.

801 Woolcock and Bayne, "Economic Diplomacy," 391.

802 Woolcock and Bayne, "Economic Diplomacy," 393.

803 Malone, "The Modern Diplomatic Mission," 129.

the anti-globalization and anti-free trade protests in Seattle in November 1999.[804] Divergences in views on trade rules in various sectors, including market access and agriculture, became apparent. According to the same author, the system of closed meetings of influential countries (green room) no longer functioned after the "implosion" in Seattle.

The ministerial meeting in Qatar that launched the Doha Round (2001) was not turbulent as there were no public protests.[805] The second ministerial meeting during the Round, held in Cancun (2003), was considered a failure[806] as no substantive agreements were reached. The participation of the so-called Global South countries stood out. Among others, four coalitions emerged: the G20, the G33, the Group of Singapore Issues, and the Cotton Group. The G33 consisted of small farmers, NGOs, and academics for whom economic liberalization had been negative for food security and rural communities. The G20, led by agribusiness, formed in reaction to the inadequate U.S. and EU proposals to liberalize agriculture on the eve of the Cancun meeting. These groups managed to remove three of the Singapore issues from negotiations (investment, competition policy, and transparency in government procurement), leaving only trade facilitation.[807]

The Doha Round was supposed to end in 2005, but this did not happen. Demonstrating the increasing difficulties in negotiation, no ministerial meetings were convened in 2007 and 2008.[808] Since the financial crisis, a significant retreat to protectionist policies has been observed in many countries. Since then, few results have been achieved despite extensive negotiations. Various causes, according to Barston, have contributed to the post-Doha stalemate, including the complexity of the agendas,[809] but above all the lack of political will in the capitals. Given this reality, many countries reduced their multilateral activities and turned to regional

804 Tussie, "Trade Diplomacy," 627.

805 Tussie, "Trade Diplomacy," 628.

806 Amrita Narlikar, "The Doha Development Agenda," in *The Oxford Handbook of Modern Diplomacy*, ed. Andrew Cooper, Jorge Heine, and Ramesh Thakur (Oxford: Oxford University Press, 2013), 858.

807 Tussie, "Trade Diplomacy," 635.

808 Tussie, "Trade Diplomacy," 628.

809 Barston, *Modern Diplomacy*, 214.

or bilateral negotiations.[810] About 300 regional agreements have been registered with the WTO since 2000.[811] For a time, the WTO's role was limited to dispute settlement processes, but this too faced political setbacks.

Meanwhile, the number of non-governmental organizations (NGOs) represented at ministerial meetings grew. For example, for the Hong Kong ministerial meeting (2005), 1,065 accredited NGOs attended, of which 836 were present.[812] Some, like Consumer Project on Technology, Médecins sans Frontières, and Oxfam, pressed for the approval of a declaration on intellectual property measures related to trade, which were considered excessively biased in favor of pharmaceutical industry interests.[813]

12.1.2. Trade Promotion

Some countries support exporters, facilitate space in embassies for the promotion of products and services, and publicize export opportunities. Companies seek guidance on the country, its market, suggestions for people to meet, and local political views that may affect the situation.[814]

In countries with certain characteristics, trade promotion can be useful. In others, results are mixed. They generate more benefits for small and medium-sized enterprises that can benefit, for example, from trade missions.[815] Kleiner notes that embassies can express their general interest in a company from their country obtaining a contract but should avoid the government itself guaranteeing the company's economic and financial capacity.[816]

12.2. Investments

In the second half of the 20th century, cross-border investment flows exceeded trade flows in their positive effects and were often

810 Barston, *Modern Diplomacy*, 213.
811 Barston, *Modern Diplomacy*, 215.
812 Tussie, "Trade Diplomacy," 631.
813 Tussie, "Trade Diplomacy," 632.
814 Roberts, "Diplomacy—A Short History," 26-27.
815 Malone, "The Modern Diplomatic Mission," 129.
816 Kleiner, *Diplomatic Practice*, 63.

greater than those of trade in goods and services.[817] In fact, the benefits of investments can be measured in terms of the volume of resources provided, job promotion, and technology transfer. Not surprisingly, in many countries, among the tasks to be performed by diplomatic posts abroad is the attraction of foreign investments. In some cases, diplomats are tasked with identifying opportunities to seek foreign investments.[818]

Bilateral investment treaties, of which there were recently about 3,000 in force, impose obligations that subject governments to international arbitration and the payment of compensation to investing companies.[819] UNCTAD, not the WTO, has developed a role in this area, with a secretariat and a public registry of investment agreements.[820] After the Uruguay Round of negotiations, civil society entities began to focus, at the end of the 1990s, on negotiations for a Multilateral Investment Agreement (2001), with the aim of strengthening the investment regime developed over the previous three decades within the OECD, which they would use as a model for a broader regime.[821] This initiative, however, would fail, especially after France withdrew from the negotiations in December 1998.

12.3. Finance

The tradition of financial diplomacy being conducted not by diplomats but by officials from finance ministries or central banks stems from the constitutive documents of the Bretton Woods organizations, namely the IMF and the World Bank (1945). For example, according to the articles of the agreement that created the IMF, its main decision-making body is the Board of Governors (Article 12), consisting of a governor and an alternate governor appointed by each IMF member country, usually the finance minister or central bank president.[822]

Starting with the G7 meeting in Toronto in 1987, when the issue of external debt of various countries was politicized, diplomats were called

817 Malone, "The Modern Diplomatic Mission," 127.
818 Roberts, "Diplomacy—A Short History," 27.
819 Woolcock, "Economic Diplomacy," 222.
820 Barston, *Modern Diplomacy*, 73.
821 Woolcock and Bayne, "Economic Diplomacy," 392.
822 Barston, *Modern Diplomacy*, 174.

to participate in financial meetings,[823] especially those related to state debts discussed in the Paris Club. Also, in summit meetings, even though essentially financial, diplomats were assigned as one of the two sherpas of the G8 meetings, the other being an official from the finance ministry.[824]

In 2009, financial crises, as well as the rapid growth of emerging economies, questioned the G8 format, and, as a result, it was supplanted by the G20.[825] Conducted, as Malone observed, until then without publicity due to the volatility of financial markets, the meetings became frequent and expanded to the level of summit meetings. To prepare them, some countries appointed diplomats, either in the capitals or in some posts abroad.[826]

According to Barston, several characteristics of the G8 process were transplanted to the G20, such as the rotating presidency in defining agenda priorities; the loss of focus as the number of members increases; the introduction of competing sub-agendas and the diversionary effect of external crises or events.[827] It developed in an ad hoc manner, without an extensive secretariat or implementation machinery.[828] In the G20, unlike the G8, foreign ministers are not privileged actors, nor is the role of sherpas dominated by them but by finance ministers. Because it lacks funds or a secretariat, the G20 delegates its capabilities to organizations such as the IMF/World Bank, the Financial Stability Board (FSB), and the Basel Committee.[829]

Rozental and Buenrostro noted that, despite these occasional incursions of diplomats in some financial meetings, the interaction between career diplomats and financial officials, although cordial due to well-prepared

823 Woolcock and Bayne, "Economic Diplomacy," 396.

824 Woolcock and Bayne, "Economic Diplomacy," 395.

825 Barston, *Modern Diplomacy*, 119.

826 Malone, "The Modern Diplomatic Mission," 128.

827 Barston, *Modern Diplomacy*, 119-120.

828 Barston, *Modern Diplomacy*, 125.

829 Andrew F. Cooper, "The Changing Nature of Diplomacy," in *The Oxford Handbook of Modern Diplomacy*, ed. Andrew Cooper, Jorge Heine, and Ramesh Thakur (Oxford: Oxford University Press, 2013), 37.

personnel, continued to present some difficulty, as the former tend to see the latter as unprepared to handle technical-financial matters.[830]

12.4. Cooperation

After World War II, as Kleiner observed, it became an accepted task of international policy to seek to reduce the gap between the North and the South, that is, developed countries assisting developing ones. Industrialized countries came to see it as in their interest to provide such assistance. According to Kleiner, this interest increased with the pressure of migration from the South to the North as they started to aid in the hope that people would prefer to stay in their countries and contribute to their development.[831] Since the financial crisis of 2008, however, a decline in cooperation provided by developed countries has been observed, while there has been an increase in assistance from countries such as China, India, and South Africa.[832]

In the case of Brazil, technical cooperation with other developing countries has several decades of experience. Initially managed directly by a department of the Ministry of Foreign Affairs, it was later transferred to an entity (headed by diplomats) called the Brazilian Cooperation Agency (ABC).

12.4.1. Objectives

According to Okano-Heijmans, development cooperation can be an expression of economic diplomacy in two distinct but not exclusive ways from the perspective of the donor country. The first way would be to use assistance to promote political objectives, such as governance, democracy, and human rights. The other would emphasize the economic objectives of the recipient country by linking assistance to trade and investment.[833] It was concluded that developed countries have increasingly linked commercial diplomacy and economic cooperation in a pragmatic way.[834]

830 Andrés Rozental and Alicia Buenrostro, "Bilateral Diplomacy," in *The Oxford Handbook of Modern Diplomacy*, ed. Andrew F. Cooper, Jorge Heine, and Ramesh Thakur (Oxford: Oxford University Press, 2013), 242.

831 Kleiner, *Diplomatic Practice*, 69.

832 Malone, "The Modern Diplomatic Mission," 130.

833 Okano-Heijmans, "Economic Diplomacy," 556.

834 Okano-Heijmans, "Economic Diplomacy," 561.

12.4.2. Classification

Many developed countries manage assistance programs for developing countries. The administration of foreign aid is relevant to embassies of developed countries[835] and, increasingly, to some developing ones. According to Kleiner, the level of involvement of embassies in providing cooperation depends on how assistance programs are managed and distributed.[836] Thus, when cooperation involves funding international organizations like the World Bank or the International Monetary Fund, the participation of the donor country's embassies may be less direct.[837] According to the same author, development aid is mainly provided through technical or financial assistance. Financial assistance is given through low-interest loans or non-repayable grants. The goal of technical assistance is to increase organizational capacity by teaching trades and skills.[838]

12.5. Conclusions

Economic diplomacy, but especially regarding multilateral trade negotiations, has faced some stagnation compared to the multiple activities in the period immediately following the end of the Cold War. Trade policy diplomats remain active mainly in regional negotiations in forums such as, in the case of Brazil, MERCOSUR and LAIA (Latin America Integration Association). Financial negotiations, on the other hand, have become more intense since the 2008 crisis, particularly in the context of G20 summit meetings. International cooperation is experiencing a period of scarce national budgetary resources.

835 G. R. Berridge, *Diplomacy: Theory and Practice*, 6th edition (Houndmills and New York: Palgrave, 2002), 127.

836 Kleiner, *Diplomatic Practice*, 70.

837 Kleiner, *Diplomatic Practice*, 71.

838 Kleiner, *Diplomatic Practice*, 71.

Chapter 13
Environmental Diplomacy

Environmental diplomacy, according to Nicolas and Kallab, refers to the negotiations held between various actors, primarily states, regarding environmental governance.[839] It focuses, among other issues, on biodiversity and, more recently, as noted by Verbeke, on climate change. Due to its impact on human security, it brings challenging questions, such as national mitigation and global accountability.[840]

As pointed out by Ali and Vladich, environment diplomacy is viewed differently depending on the perspective of each author. International relations scholars see it as negotiations between nations on environmental governance. Interdisciplinary academics, on the other hand, have a broader view, describing it as negotiations related to conflict resolution over natural resources, as well as a tool for using the environment in conflict resolution and peacebuilding.[841]

13.1. History

From the second half of the 19th century until the creation of the UN, there were, according to Nicolas and Kallab, bilateral agreements between states limited to issues such as fishing, wildlife, and pollution prevention. In 1949, the UN Conference on the Conservation and Utilization of Resources was held.[842] Until the 1970s, Barston noted, there were some specialized meetings to address global or regional environmental protection issues. Their resulting agreements were limited in their efficiency for conservation

839 Leila Nicolas and Elie Kallab, *Effective Forms of Environmental Diplomacy* (Abingdon: Routledge, 2021), 7.

840 Johan Verbeke, *Diplomacy in Practice: A Critical Approach* (Abingdon: Routledge, 2023), 53.

841 Saleem H. Ali and Helena Voinoch Vladich, "Environmental Diplomacy," in *The Sage Handbook of Diplomacy*, ed. Costas M. Constantinou, Pauline Kerr, and Paul Sharp (London: Sage, 2016), 601.

842 Nicolas and Kallab, *Effective Forms*, 13.

and management, in terms of jurisdiction, regulation, and enforcement, lacking scientific advice and institutional implementation.[843]

The first high-level global post-war conference to discuss the environment was held in Stockholm. One of its main legacies would be the creation of the UN Environment Program—UNEP (1973).[844] The term environmental diplomacy gained concrete value after the formation of this agency, whose initial mandate was to constitute the global authority on the matter.[845]

At the Stockholm meeting, a declaration with twenty-six principles and an Action Plan was approved. Among the principles, number 21 safeguarded "the sovereign right [of states] to exploit their own resources according to their own environmental policies." This provision reflected the position of developing countries that saw this right as essential for national independence and their ability to decide on their basic political and economic arrangements.[846] In its second part, Principle 21 defined the dual responsibility of states, i.e., on one hand, to prevent transboundary environmental impacts with the potential to cause harm and, on the other, to avoid activities that may cause significant transboundary damage.[847]

From the mid-1980s, international attention increasingly focused on environmental regulation. In 1982, the UN Convention on the Law of the Sea was approved, including provisions for the protection of living marine resources and the marine environment.[848] Some reports began to address the trade-offs between economic development and environmental preservation in an international action agenda. The term "sustainable development," already used by a group of distinguished personalities called the Club of Rome, came to be used by the UN as a paradigm.[849]

The UNGA established a Commission for Environment and Development (1983) chaired by former Norwegian Prime Minister Gro

843 Barston, *Modern Diplomacy*, 237.
844 Ali and Vladich, "Environmental Diplomacy," 601.
845 Ali and Vladich, "Environmental Diplomacy," 604.
846 Ali and Vladich, "Environmental Diplomacy," 604.
847 Ali and Vladich, "Environmental Diplomacy," 605.
848 Nicolas and Kallab, *Effective Forms*, 14.
849 Nicolas and Kallab, *Effective Forms*, 14.

Harlem Brundtland. The Commission presented a report titled "Our Common Future" (1987) that would have educational influence worldwide.[850] It incorporated and disseminated the concept of sustainable development[851] defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.[852] In the same year, the Montreal Protocol was signed to preserve the Earth's ozone layer by phasing out certain chemicals commonly used in aerosol cans.[853] It would become one of the most successful documents in the history of environmental protection.

The next historical milestone was the UN Conference on Environment and Development (1992) held in Rio de Janeiro. Its outcomes required follow-up and the presentation of national reports, as well as periodic review meetings by the parties.[854] During the meeting, there were deliberations on four specific treaties on climate change, desertification, biodiversity, and forests. Only the latter was not adopted due to lack of agreement.[855] In the end, two conventions and three non-binding instruments were approved:

— The Convention on Climate Change to "stabilize greenhouse gas concentrations in the atmosphere at a level that prevents dangerous anthropogenic interference with the climate system": The Convention on Biological Diversity.

— The Rio Declaration on Environment and Development with the commitment of states to "recognize the indivisibility of the fate of humanity and the Earth".

— Agenda 21, a plan for promoting global, regional, and local partnerships to achieve sustainable development.

— The "Statement of Principles on Forest Sustainable Management."[856]

850 Ali and Vladich, "Environmental Diplomacy," 606.

851 Cooper, Heine and Thakur, "Introduction," 13.

852 Nicolas and Kallab, *Effective Forms*, 14.

853 Nicolas and Kallab, *Effective Forms*, 15.

854 Barston, *Modern Diplomacy*, 238-239.

855 Ali and Vladich, "Environmental Diplomacy," 606.

856 Nicolas and Kallab, *Effective Forms*, 15.

The "precautionary principle" was included as number 15 in the Rio Declaration, which should be broadly applied by states according to their capacities. Additionally, the text determined that when there are "threats of irreversible damage, the lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation."[857]

Since then, a series of periodic meetings have been held based on the concluded agreements.

— The Kyoto Protocol (1997) was a binding treaty that came into force in 2005. The signatories agreed to reduce greenhouse gas emissions after reaching a consensus that carbon dioxide emissions cause global warming.[858]

— The World Summit on Sustainable Development—Rio+10 (2002), held in Johannesburg, focused on implementing sustainable development.

— The Climate Conference held in Copenhagen (2009) was attended by one hundred leaders.[859] It was considered unsuccessful as it failed to move towards stronger global action against global warming, despite last-minute efforts by four heads of state or government: Obama (United States), Lula da Silva (Brazil), Singh (India), and Wen Jiabao (China).[860]

— The UN Conference on Sustainable Development—Rio+20 (2012), held in Rio de Janeiro, highlighted seven themes needing priority attention: sustainable urban areas, food security and sustainable agriculture, water, oceans, job creation and unemployment reduction, renewable energy, and disaster readiness.

— The new Agenda 2030, enacted in 2015, urged countries to begin efforts to achieve 17 Sustainable Development Goals (SDGs) in

857 Ali and Vladich, "Environmental Diplomacy," 605.

858 Nicolas and Kallab, *Effective Forms*, 16.

859 Andrew Cooper, "The Changing Nature of Diplomacy," in *The Oxford Handbook of Modern Diplomacy*, ed. Andrew Cooper, Jorge Heine, and Ramesh Thakur (Oxford: Oxford University Press, 2013), 37.

860 Kishore Mahbubani, "Multilateral Diplomacy," in *The Oxford Handbook of Modern Diplomacy*, ed. Andrew Cooper, Jorge Heine, and Ramesh Thakur (Oxford: Oxford University Press, 2013), 257-258.

the next 15 years. It is a global plan, i.e., a worldwide agenda with guidelines for building and implementing sustainable public policies.

— The Paris Agreement (2015), adopted by consensus, established a framework for the Climate Change Convention. It constituted a separate agreement unrelated to the Kyoto Protocol (1997), although aimed at reducing greenhouse gas emissions and mitigating global warming.[861] Its successful conclusion, in Barston's opinion, was one of the main achievements of multilateral diplomacy.[862]

13.2. Actors

The environmental negotiation framework is complex, according to Barston, as it results from a mosaic of institutions that have developed since the 1970s.[863] Besides state representatives, environmental negotiation has involved an increasing number of actors: new intergovernmental organizations, the UN and other international institutions, secretariats, elected conference leaders, and NGOs. For example, about 30,000 people attended the Climate Conference in Paris on the climate issue.[864]

13.2.1. Governments

Diplomats have played a vital role in the prenegotiation phase of environmental agreements. They work collectively, in the words of Nicolas and Kallab, to "define problems, address challenges, and prepare a common space for the negotiation itself."[865] According to Woolcock, in more developed countries, environmental diplomacy is conducted by specialized ministries. For example, a climate specialist participates in

861 Nicolas and Kallab, *Effective Forms*, 18.

862 Barston, *Modern Diplomacy*, 492-503.

863 Barston, *Modern Diplomacy*, 244.

864 Barston, *Modern Diplomacy*, 240.

865 Nicolas and Kallab, *Effective Forms*, 56.

negotiations, thus maintaining institutional memory and negotiation capacity.[866]

Perhaps more than other areas of diplomacy, environmental diplomacy involves the issue of scientific advancements on the topic. For this and other reasons, Barston concludes, meetings tend to include representatives from specialized ministries, such as fisheries, parks, tourism, and scientific research institutes, not just environment ministers. There is more variation in the size and composition of delegations than in other multilateral meetings.[867]

Leadership disputes in environmental conference sessions may occur. According to Barston, foreign ministries may prioritize broad issues such as security, political relations with other states, and diplomatic tactics better than specialized ministries. As in other negotiations, the impact of each delegation depends on knowledge of previous negotiations, diplomatic skills, contributions to the negotiation process, and the role played in committees.[868]

13.2.2. Intergovernmental Organizations

Besides UNEP, several other specialized agencies participate in environmental diplomacy, such as those focused on marine issues, food and agriculture, labor, trade and development, industry, and particularly the World Bank. These agencies influence the organization of agendas, prioritization of items, regulatory activities, and initiatives. Other international institutions also play roles in agenda setting, initial studies, assistance to working groups, sponsoring resolutions, mediation of conciliation, administrative supervision, review, and amendments to conventions.[869] Their leaders have developed interests, doctrines, and participation in programs.[870]

866 Woolcock, "Economic Diplomacy," 219.
867 Barston, *Modern Diplomacy*, 243.
868 Barston, *Modern Diplomacy*, 244.
869 Barston, *Modern Diplomacy*, 245.
870 Barston, *Modern Diplomacy*, 246.

13.2.3. NGOs

Barston highlighted that, at the Climate Conference held in Paris, 1,000 NGOs attended with 6,000 delegates, representing different environmental views, as well as intergovernmental organizations and other institutions.[871] Among the many environmental NGOs, some have stood out over the last decades:

— The World Wildlife Fund (WWF), founded in 1961, operates in over a hundred countries, has about five million members, and is dedicated to nature preservation and biodiversity protection.

— Friends of the Earth, founded in 1969, addresses issues related to climate change and energy, food and agriculture, ocean, and forest conservation.

— Greenpeace, founded in Vancouver, Canada, in 1971, began as a protest against nuclear tests in Alaska. It grew rapidly and now has nearly three million members in many countries. It focuses on issues of climate change, oceans, forests, toxins, nuclear energy, and sustainable agriculture, employing non-violent actions to protect the planet.

13.3. Process

As observed by Correa do Lago, the negotiation process begins internally as countries must start by convening all governmental areas that may be involved in implementing an agreement that is about to be negotiated.[872] It is up to the foreign ministry to ensure that the position is compatible with other commitments already assumed by the country in different agreements.[873]

As Barston reports, the negotiation is procedurally marked by the rule of consensus requirement for decision-making and the growing pluralism

871 Barston, *Modern Diplomacy*, 497.

872 André Aranha Corrêa do Lago, "Prefácio," in *Diplomacia Ambiental*, ed. Wânia Duleba and Rubens Barbosa (São Paulo: Blucher Open Access, 2022), 11.

873 Corrêa do Lago, "Prefácio", 12.

of actors and interests.[874] The dynamics of the negotiations can depend on the session presidency and its assistance from the secretariat. To maintain the momentum of the negotiations, the presidency may present texts that exclude items lacking consensus. Another tactic for delegations is to present informal documents to actor groups for review. In cases of deadlock, non-consensus items may be bracketed during ongoing negotiations. A specific delegate may also be appointed to mediate conciliatory formulas, the creation of contact groups, closed sessions of delegation heads, and the presentation of new texts sponsored by the presidency.[875]

13.4. Agreements

The agreements resulting from environmental negotiations can take various forms, including treaties, agreements, conventions, and protocols, as well as informal instruments such as codes, guidelines, and declarations. UNEP, as noted by Barston, has used the formula of preparatory meetings followed by an action plan. It has also influenced the use of framework agreements, which will depend on subsequent implementation agreements.[876]

13.5. Conclusions

Environmental diplomacy, more recent in history compared to others, is the most promising in the coming years given the growing universal interest in the topic. It brings together numerous actors, receives media attention, and requires diplomats to negotiate complex issues with the support of specialized ministries, under the pressure of varied and numerous NGOs. In this context, the annual COPs have gained prominence, events that attract abundant delegations and worldwide attention to the issue of climate change.

874 Barston, *Modern Diplomacy*, 247.

875 Barston, *Modern Diplomacy*, 250.

876 Barston, *Modern Diplomacy*, 251.

Chapter 14
Cultural and Public Diplomacy

In this chapter, two closely related types of diplomacy are examined: cultural diplomacy and broader outreach, referred to as public diplomacy. The former, in Kleiner's view, is aimed at promoting cultural relations with other countries, primarily through activities organized by national institutions or foreign posts.[877] The latter typically involves press *attachés* at foreign posts or the spokesperson's office of foreign ministries, focusing on influencing public opinion in the host country through media, particularly the press.[878]

What are the differences between cultural and public diplomacy? Opinions vary among those who see public diplomacy as mere propaganda, those who view cultural diplomacy as central to public diplomacy, and those who see the former as merely ancillary to the latter. For Berridge, cultural diplomacy attempts to influence the foreign policy of the accrediting country through the export of its culture. Conversely, he argues that public diplomacy consists of political advertising or propaganda aimed at persuading a foreign government to accept a certain view using media, pressure groups, and external allies. [879] This media utilization varies according to local sensitivities. In liberal democracies, resident ambassadors have more opportunities to engage in public or cultural diplomacy.[880]

For Goff, cultural diplomacy is the core of public diplomacy because cultural activities best represent a nation's self-image.[881] In contrast, Melissen asserts that culture merely helps shape and define public diplomacy.[882]

877 Juergen Kleiner, *Diplomatic Practice. Between Tradition and Innovation* (Singapore: World Scientific, 2010), 218.

878 Kleiner, *Diplomatic Practice*, 218.

879 G. R. Berridge, *Diplomacy: Theory and Practice*, 6th edition (Houndmills and New York: Palgrave, 2002), 125.

880 Berridge, *Diplomacy: Theory and Practice*, 126.

881 Patricia M. Goff, "Cultural Diplomacy," in *The Oxford Handbook of Modern Diplomacy*, ed. Andrew Cooper, Jorge Heine, and Ramesh Thakur (Oxford: Oxford University Press, 2013), 421, based on a report from the State Department of the United States.

882 Jan Melissen, "Public Diplomacy," in: *Diplomacy in a Globalizing World*, ed. Pauline Kerr and Geoffrey Wiseman (Oxford University Press, 2013), 205.

14.1. Cultural Diplomacy

During World War I, as Hamilton and Langhorne observed, governments were more prepared to bypass conventional diplomatic dialogue channels. These authors noted a greater willingness to resort to propaganda and subversion techniques, which involved influencing peoples as well as their rulers.[883]

Germany created the Zentralstelle für Ausländer; France, the Maison de France; and Britain, the War Propaganda Bureau, which openly revealed its agency's objective in its title. Despite deep differences among these entities, their objectives were similar in influencing public opinion abroad. The German agency, as those authors noted, was propaganda conducted by the foreign ministry, established in the chancellery (Wilhelmstrasse) and directed by a former ambassador. The government at the time did not hesitate to spend large sums of money to buy foreign journalists, print newspapers and books in foreign languages, and support compatriot groups. The French agency, also under the foreign ministry's auspices, sought to show France's good intentions in newspapers, magazines, books, pamphlets, films, and art reflecting its cultural value. The British War Propaganda Bureau consisted of academics and journalists, sponsored by the Home Office, and came under the foreign ministry's aegis in early 1916.[884]

Cultural diplomacy developed after World War II. Since then, the United Kingdom, France, Germany, Spain, China, and the United States have gradually operated entities supporting their cultural diplomacy: the British Council, Alliance Française, Goethe-Institut, Instituto Cervantes, Confucius[885] Institutes, and the United States Information Agency (USIA).[886] Kleiner also includes the Fulbright Commission and American foundations operating abroad in this list.[887]

883 Keith Hamilton and Richard Langhorne, *The Practice of Diplomacy. Its Evolution, Theory, and Administration*, 2nd edition (Abingdon: Routledge, 2011), 146.

884 Hamilton and Langhorne, *The Practice of Diplomacy*, 146-147.

885 Jan Melissen, "Public Diplomacy," in *The Oxford Handbook of Modern Diplomacy*, ed. Andrew Cooper, Jorge Heine, and Ramesh Thakur (Oxford: Oxford University Press, 2013), 440.

886 Goff, "Cultural Diplomacy," 426.

887 Kleiner, *Diplomatic Practice*, 64.

Kleiner noted that the efforts of cultural institutions and organizations abroad have become small compared to the broadcasts of major television networks such as CNN and the BBC, which have global audiences. These do not promote cultural exchange but spread American and British views on political developments and lifestyles. Countries like Germany and Japan try to follow these examples but can only close the gap when broadcasting in foreign languages.[888]

14.1.1. Cultural Expressions

The list of cultural expressions a country can promote abroad includes arts (painting, sculpture, photography, architecture), language and literature, film and television productions, history, music, folklore, and even scientific and technological advancements and sports achievements.

In the case of Brazil, for example, music, football, and telenovelas are the most well-known and appreciated aspects of popular culture abroad.

a) Promotion of Arts and Literature

Promoting art is important because, as Neumann noted, it is communication.[889] Examining the forms of art promoted by diplomacy, he observed that the high culture genre where diplomats are most present is literature. Secondly, he mentioned painting as another art form with abundant representation of diplomats and diplomacy.[890]

b) Sports Events

When considered broadly, cultural diplomacy also includes sports. Like art promotion, sports can improve relations and create a positive image of a country. For this reason, countries that had belonged to the Axis during World War II, as Black and Peacock noted, sought to host the Olympic Games after the conflict. With the objective of rehabilitation in

888 Kleiner, *Diplomatic Practice*, 65.

889 Iver B. Neumann, "Diplomacy and Arts," in *The Sage Handbook of Diplomacy*," ed. Costas M. Constantinou, Pauline Kerr, and Paul Sharp (London: Sage, 2016), 114.

890 Neumann, "Diplomacy and Arts," 118.

international society, games were held in Rome (1960), Tokyo (1964), and Munich (1972). In the 1970s, ping pong games were used by U.S. diplomacy to approach China.[891] In the 1980s, governments and diplomatic representatives tried to use sports for various diplomatic purposes. There was a boycott of the Moscow Olympics in response to the Soviet invasion of Afghanistan, and the Los Angeles Games were boycotted by the Soviet Union.[892]

Sports events, in Black and Peacock's opinion, have been seen as attractive vehicles for political and diplomatic ambitions of both governments and various network diplomacy actors.[893] They also observed that the political-diplomatic nature of international sports is partly due to the transformative role of the IOC, perhaps the most relevant among many international sports organizations.[894]

In the same vein, Murray noted that, if a government wins the competition for the rights to host a mega-event like the World Cup, billions of foreign perceptions about the country can be changed within weeks.[895] He observed that some countries have skillfully hosted mega-events, including China (2008 Olympics), South Africa (2010 World Cup), and Brazil (2014 World Cup and 2016 Olympics).[896] During the latter event, Black and Peacock noted that the newly elected President of the United States, Barack Obama, was seen as having been "snubbed" by the IOC despite his in-person efforts for Chicago's candidacy, which was resoundingly defeated by Rio de Janeiro's bid, strongly supported by President Lula's "emotional lobbying."[897]

891 David Black and Byron Peacock, "Sport and Diplomacy," in *The Oxford Handbook of Modern Diplomacy*, ed. Andrew Cooper, Jorge Heine, and Ramesh Thakur (Oxford: Oxford University Press, 2013), 713.

892 Black and Peacock, "Sport and Diplomacy," 712.

893 Black and Peacock, "Sport and Diplomacy," 708.

894 Black and Peacock, "Sport and Diplomacy," 709.

895 Stuart Murray, "Sports Diplomacy," in *The Sage Handbook of Diplomacy*," ed. Costas M. Constantinou, Pauline Kerr, and Paul Sharp (London: Sage, 2016), 617.

896 Murray, "Sports Diplomacy," 618.

897 Black and Peacock, "Sport and Diplomacy," 717.

14.1.2. Evaluation

As Rozental and Buenrostro emphasized, culture is a valuable tool for positioning a country's image because, as a significant element of soft power, it is one of the "most effective and noble instruments of diplomacy." However, they cautioned that navigating the waters of academia is a challenge because it is difficult to maintain public attention with official discourse.[898] To overcome this difficulty, they suggested that diplomacy should ally with universities, think tanks, and research centers, entities that generate ideas and can be allies in promoting good relations between societies.[899]

The ability of cultural links between countries to generate interest and goodwill was also noted by Malone, who highlighted the cost of promoting activities such as film festivals, author visits, and concerts by famous artists. This high expenditure, he noted, requires cultural diplomacy to "do more with less [resources]."[900]

In addition to budgetary difficulties, cultural diplomacy also faces the challenge of overcoming and altering entrenched positions in each country. But, as Goff observed, if executed by skillful diplomats, cross-border cultural activities can smooth over frictions, clarify issues, and provide opportunities for connection.[901] She noted that some countries, such as Japan, India, Brazil, and France, already export cultural products and have the potential to use popular culture to their advantage.[902] She concluded that to be effective, cultural diplomacy requires a long-term commitment.[903] This view aligns with Kleiner's idea that, despite the challenges, embassies aim to develop friendly relations, and their long-term public relations work yields results.[904]

898 Andrés Rozental and Alicia Buenrostro, "Bilateral Diplomacy," in *The Oxford Handbook of Modern Diplomacy*, ed. Andrew F. Cooper, Jorge Heine, and Ramesh Thakur (Oxford: Oxford University Press, 2013), 235.

899 Rozental and Buenrostro, "Bilateral Diplomacy," 236.

900 Malone, "The Modern Diplomatic Mission", 126.

901 Goff, "Cultural Diplomacy," 419.

902 Goff, "Cultural Diplomacy," 424.

903 Goff, "Cultural Diplomacy," 432.

904 Kleiner, *Diplomatic Practice*, 65.

14.2. Public Diplomacy

14.2.1. Concept

According to Melissen, public diplomacy is "an instrument used by States, associations of States, and some sub-States to understand cultures, attitudes, and behavior; build and manage relationships, and influence thoughts and mobilize actions to advance their interests and values."[905] Huijgh observes that it focuses on "diplomatic communication between political entities and people, [...] usually in foreign countries, but, according to some accounts, also in domestic publics."[906] She notes that public diplomacy has been significantly inspired and shaped by the writings of Joseph Nye, who, in the preface of a book in 2004, stated that "the culture, political ideals, and policies" of a country constitute its soft power which he defined as the ability to get what you want through attraction rather than coercion or payments.[907]

14.2.2. History

To prove that public diplomacy is not new in history, Hocking recalls that Talleyrand instructed his diplomats: "Make France loved."[908] Huijgh also asserts that, although it had "earlier origins," the modern use of the term "public diplomacy" is seen as "associated with the United States."[909]

In the first half of the 20th century, it was seen as an extension of diplomacy and, by some, as "a less biased form of propaganda."[910] During the two World Wars, in Verbeke's words, it was reduced to "the dissemination of information mainly aimed at influencing internal policies and foreign

905 Jan Melissen, "Public Diplomacy," in *The Oxford Handbook of Modern Diplomacy*, ed. Andrew Cooper, Jorge Heine and Ramesh Thakur (Oxford: Oxford University Press, 2013), 436.

906 Ellen Huijgh, "Public Diplomacy," In: *The Sage Handbook of Diplomacy*, ed. Costas M. Constantinou, Pauline Kerr, and Paul Sharp (London: Sage, 2016), 437.

907 Huijgh, "Public Diplomacy," 440.

908 Brian Hocking, "The Ministry of Foreign Affairs and the National Diplomatic System," in *Diplomacy in a Globalizing World*, ed. Pauline Kerr and Geoffrey Wiseman (Oxford University Press, 2013), 133.

909 Huijgh, "Public Diplomacy," 438.

910 Huijgh, "Public Diplomacy," 439-440.

publics, uninterested in dialogue or relationship-building."[911] It flourished during the second half of the 20th century, including during the Cold War. Gradually, it adopted new methods and media forms, such as the dissemination of cultural activities, especially through radio programs by BBC World Service, Voice of America, Radio France Internationale, and Deutsche Welle.[912]

14.2.3. Objectives

By using new electronic media, Verbeck notes, diplomats can no longer target specific audiences.[913] They use soft power, not for propaganda, but with the ultimate goal of common understanding and dialogue between nations.[914] Diplomatic messages, in Kurbalija's view, should be drafted for all potential audiences.[915] Indeed, social media, as Melissen highlights, allows a single diplomat in an embassy to reach hundreds, thousands, or even hundreds of thousands of people.[916] Public diplomacy, he continues, benefits not only from new digital means but also from cultivating extra-governmental networks with civil society representatives, especially since they often enjoy more credibility than accredited foreign government representatives in a country.[917]

14.2.4. Characteristics

According to Melissen, a characteristic of public diplomacy is that it is not exclusive to foreign ministries, as intergovernmental organizations, subnational entities, NGOs, and multinational companies increasingly use new digital means to improve their respective international reputations.[918] Currently, Hocking notes, diplomats interact with various actors in accredited

911 Johan Verbeke, *Diplomacy in Practice: A Critical Approach* (Abingdon: Routledge, 2023), 51.

912 Huijgh, "Public Diplomacy," 440.

913 Jovan Kurbalija, "The Impact of the Internet and ICT on Contemporary Diplomacy," in *Diplomacy in a Globalizing World*, ed. Pauline Kerr and Geoffrey Wiseman (Oxford: Oxford University Press, 2013), 147.

914 Verbeke, *Diplomacy in Practice*, 51.

915 Kurbalija, "The Impact," 147.

916 Melissen, "Public Diplomacy," 201.

917 Melissen, "Public Diplomacy," 208.

918 Melissen, "Public Diplomacy," 198-200.

countries and integrate public diplomacy into their strategic activities.[919] Other characteristics of public diplomacy stem from its relationship with confidentiality, state propaganda, and the means used, as analyzed below.

a) Transparency versus Confidentiality

Commenting on the relationship between public diplomacy and the issue of confidentiality, Heine highlighted the difficulty of keeping government communication secret in an era where transparency reigns.[920] Expressing a different view, Greenstock stated that diplomacy always involves a degree of confidentiality and there is no reason to assume that global developments have changed this,[921] whether to protect sources or cause damage to negotiating positions and relationships.[922] However, he acknowledged that "excessive secrecy is less wise today when the purpose is to cover up an undeclared strategy or to hide actions that may be criticized."[923]

Regarding the issue of confidentiality, it is worth noting that the VCDR deals with relations between States, providing nothing about public diplomacy. On the contrary, it could be argued that, by requiring non-interference in internal affairs (Article 41.1), the Convention limits diplomatic action to communications between governments and restrains it with public opinion. However, as Barder observed, there is a blurred line between interference and maintaining contact with a person disliked by the accredited country.[924]

b) Publicity versus Propaganda

Melissen, the staunchest defender of the idea that public diplomacy is not propaganda, admitted that some practitioners of diplomacy refuse to

919 Hocking, "The Ministry" 133.

920 Jorge Heine, "From Club Diplomacy to Network Diplomacy," in *The Oxford Handbook of Modern Diplomacy*, ed. Andrew Cooper, Jorge Heine, and Ramesh Thakur (Oxford: Oxford University Press, 2013), 54.

921 Jeremy Greenstock, "The Bureaucracy: Ministry of Foreign Affairs, Foreign Service, and Other Government Departments," in *The Oxford Handbook of Modern Diplomacy*, ed. Andrew F. Cooper, Jorge Heine, and Ramesh Thakur (Oxford: Oxford University Press, 2013), 114.

922 Greenstock, "The Bureaucracy," 109.

923 Greenstock, "The Bureaucracy," 114.

924 Brian Barder, *What Diplomats Do* (Lanham: Rowman & Littlefield, 2016), 33.

distinguish between it and public diplomacy.[925] In his view, these opponents see the latter as a modern name for "white propaganda"—that is, propaganda that admits its source and is primarily directed at foreign audiences but also at domestic electorates.[926] For Melissen, practicing public diplomacy requires overcoming the opposition of those traditionalists who consider it an euphemism for propaganda, an activity that constitutes a harmful development or is simply peripheral to diplomacy.[927] He acknowledges that walking between what is acceptable and what is unacceptable can be problematic as governments encourage ambassadors to engage in public debates in the host country.[928]

Among his various arguments in favor of public diplomacy, Melissen emphasizes that governments like to speak with a single voice. In his view, national coordination of government agency projections is more easily executed through public diplomacy than in the daily reality of bureaucratic internal struggles.[929] Governments realize that projecting their countries' attractiveness requires reaching transnational civil society.[930] He concluded that propaganda is generally not interested in dialogue or any form of relationship-building.[931]

Other authors are less emphatic about the value of public diplomacy. Rana recognizes that some public diplomacy activities constitute propaganda. However, he opines that promoting a country's culture, education, and external image cannot be overlooked.[932] In Verbeke's view, public diplomacy encompasses building a strong national image but goes beyond propaganda as it can be counterproductive. It should not be reduced to mere public relations campaigns. Its goal is common understanding and dialogue between nations.[933]

925 Melissen, "Public Diplomacy," in *The Oxford Handbook of Modern Diplomacy,* ed. Andrew Cooper, Jorge Heine and Ramesh Thakur (Oxford: Oxford University Press, 2013), 438.

926 Melissen, "Public Diplomacy," 439.

927 Melissen, "Public Diplomacy," 197.

928 Melissen, "Public Diplomacy," 439.

929 Melissen, "Public Diplomacy," 446.

930 Melissen, "Public Diplomacy," 437.

931 Melissen, "Public Diplomacy," 440.

932 Kishan S. Rana, *21st Century Diplomacy. A Practitioner's Guide* (London: Bloomsbury, 2011), 78.

933 Verbeke, *Diplomacy in Practice*, 51.

This latter idea—that public diplomacy promotes dialogue—was also expressed by Sigsgaard, who noted that a final difference between propaganda and public diplomacy is that, while propaganda continuously spreads messages to its target groups, public diplomacy uses a two-way communication strategy.[934] For Sigsgaard, propaganda constitutes an attempt to narrow people's horizons, to shape their opinions by any means necessary, while diplomacy seeks to open people's horizons through information and education.[935]

c) Means

Modern diplomats, in Roberts's opinion, are expected to project their governments' messages[936] not only through the local press but also through social media and digital tools to reach a larger number of people. According to Roberts, these tools can be used for online public conversations, to stimulate debate on relevant topics, to promote relationships with foreign publics, and to gauge public opinion in host countries.[937] Today, as Kleiner observed, many diplomatic missions maintain their electronic portals to disseminate information.[938]

14.2.5. Assessments

In Melissen's view, public diplomacy does not offer easy answers or quick solutions. Additionally, it is difficult to establish a cause-and-effect relationship to demonstrate the effectiveness of specific public diplomacy actions. He believes that the public diplomacy of the future will likely be more culturally sensitive. It will have to rely on non-governmental actors. It will not be free of paradoxes as governments adjust to this new form of diplomacy. The need for coherence in narratives will compel States and other official actors to reflect on identity themes and specific aspirations in the unfolding of international controversies. It will require some to leave their "comfort zones" and enter the democratic arena where topics

934 Jens Nielsen Sigsgaard, *A nova era da diplomacia* (NL, Edições Nosso Conhecimento, 2020), 13.

935 Sigsgaard, *A nova era*, 12.

936 Roberts, "Diplomacy—A Short History," 27.

937 Roberts, "Diplomacy—A Short History," 28.

938 Kleiner, *Diplomatic Practice*, 221.

are politicized and argued. Authoritarian governments will confront the limits of state influence and the challenge of changing the direction of foreign perceptions in an increasingly transnational world that empowers individuals more than ever before. Melissen concluded that there is no alternative to modernizing public diplomacy, but influencing foreign publics will not be an easy task.[939]

In another writing from the same year, Melissen observed that many practitioners saw public diplomacy as a window to modernize their profession. Within governments, those advocating for the new public diplomacy viewed the new debate as an integral part of new approaches to help change a risk-averse diplomatic culture that is inward-looking in dealing with the public.[940]

14.3. Conclusions

Cultural diplomacy will likely remain active despite facing increasing budgetary difficulties in the countries that exercise it the most. The lack of resources adds to the difficulty of selecting cultural projects deserving diplomatic patronage. To avoid criticism of spending on artists, films, or other representatives of a country's culture, decisions should ideally be made by collective bodies representing various categories. Another prevailing criterion should be promoting new talents, whether in visual arts, music, or literature, rather than those who already have commercial channels to reach an external audience.

In turn, so-called public diplomacy presents itself as one of the most promising, although it faces resistance and may indeed appear to be official propaganda if not well executed. Seen as an incentive to diplomats being more participatory in other countries, the idea of public diplomacy can encourage their greater interaction with the society of the country where they are accredited. In this sense, unlike propaganda, which would be a unilateral diplomatic action, public diplomacy would involve interaction; that is, in projecting their country, the diplomat should not only make presentations but also listen to questions, respond, and argue in its

939 Melissen, "Public Diplomacy," in *Diplomacy in a Globalized World*, 207.

940 Melissen, "Public Diplomacy," 441.

defense. This action, however, brings risks to its practitioners, as addressing the public of the States to which they are accredited (and not just their governments) could be seen as interference in internal affairs. Therefore, the action must be cautious and focus on promoting the accrediting country without criticizing the accredited one. Thus, there will always be a fine line that must not be crossed between respecting another's sovereignty and protecting the interests of the represented country.

Chapter 15
Paradiplomacy

Paradiplomacy, or subnational diplomacy, pertains to the diplomatic activities conducted by provinces, states, autonomous regions, and cities within a country. It is defined by Bjola and Kornprobst as the "diplomatic engagement of non-central, yet governmental, bodies in international relations."[941] According to Mamadouh and van de Western, paradiplomacy is a neologism that first appeared in the early 1980s in American literature on federalism and was adopted to replace the term microdiplomacy, which could be interpreted as pejorative.[942] Subnational diplomacy, on the other hand, contrasts with supranational diplomacy, a term that emerged with the creation of the EU to describe relations maintained "above" those held by member states.

Mamadouh and Van de Wusten distinguish paradiplomacy from traditional diplomacy concerning the nature of the relationships involved. They observe that diplomacy "is commonly closely associated with modern states, with their presumption of a clear division between domestic and foreign affairs, and consequently, between national and foreign policies." For these authors, "the paradiplomacy of cities and regions is fundamentally different as it involves different actors, objectives, activities, instruments, and locales." In their view, "it is not about replicating state diplomacy on a smaller scale but about incorporating different practices of transnational relations."[943] This can be seen as the exercise of a new form of diplomacy,

941 Corneliu Bjola and Markus Kornprobst, *Understanding International Diplomacy: Theory, Practice and Ethics* (Abingdon: Routledge, 2018), 254.

942 Virginie Mamadouh and Herman Van Der Wusten, "*The Paradiplomacy of Cities and Regions: Transnational Relations between Sub-State Political Entities*," in *Diplomatic Cultures and International Politics. Translation, Spaces and Alternatives*, ed. Jason Dittmer and Fiona McConnell (Abingdon: Routledge, 2016), 136.

943 Mamadouh and Van Der Wusten, "The Paradiplomacy of Cities," 135.

which, according to Khanna, embodies the spirit of governing globally, but acting locally.[944]

15.1. Diplomacy of States, Provinces, or Regions

Provinces or states within federal countries, as noted by Hutchings and Suri, have developed direct external interactions. For instance, the sixteen states (Länder) of Germany, particularly Bavaria, have acted independently, especially in matters of trade policy.[945] However, Kleiner argues that some activities of subnational units may not qualify as diplomatic.[946] Indeed, one might argue these are international activities but not diplomatic ones, as traditional diplomacy is typically between states.

The current form of subnational diplomacy originated in the 1970s and 1980s as a political expression between central governments and other federal or even unitary state entities. Typical examples of paradiplomacy, according to Bjola and Kornprobst, include Quebec in Canada, Catalonia and the Basque Country in Spain, and California in the United States.[947] Additional examples could include states within federative countries and autonomous entities, such as Scotland and Wales in the United Kingdom.[948]

In Brazil, subnational diplomacy or paradiplomacy is conducted by Brazilian federal entities, including states, municipalities, and the Federal District. This practice is evidenced by international agreements, whether for financing, with similar entities abroad, or with international networks.

The cities of São Paulo and Rio de Janeiro, among others, engage with numerous cities internationally and are part of various international and regional networks. The State of São Paulo maintains a commercial office in New York to promote trade and attract investment.

944 Parag Khanna. *How to Run the World: Charting a Course to the Next Renaissance*, Kindle ed. (New York: Random House Publishing Group, 2011), 464.

945 Marne Sutten, Catherine Cousar, and Robert Hutchings, "Germany," in *Modern Diplomacy in Practice*, ed. Robert Hutchings and Jeremi Suri (London: Palgrave, 2020), 71.

946 Juergen Kleiner, *Diplomatic Practice. Between Tradition and Innovation* (Singapore: World Scientific, 2010), 29.

947 Mamadouh and Van Der Wusten, "The Paradiplomacy of Cities," 142.

948 Mamadouh and Van Der Wusten, "The Paradiplomacy of Cities," 142.

15.2. City Diplomacy

Cities, as observed by Marchetti, can be perceived from three perspectives: (a) as populated areas where people reside and work (urbs); (b) as clusters of citizens (civitas); and (c) as institutional aggregations (polis). They possess administrative boundaries that do not always correspond to the urban areas associated with high-density human settlements.[949]

The proportion of the global population living in cities increased from a mere 14% in 1900 to 55% in 2019. It is estimated that by 2050, 70% of the global population will be urban.[950] Economically, cities account for 80% of the world's GDP.[951] Given these statistics on the significance of cities, one must concur with Marchetti's assertion that urban diplomacy emerges as an obvious and efficient pathway for the international empowerment of citizens.[952]

Countries have distinct classifications for cities based on their population sizes. Generally, towns or villages are defined as cities once they surpass 50,000 inhabitants. Small cities have populations between 50,000 and 100,000; medium cities between 100,000 and 250,000; large cities between 250,000 and 500,000; very large cities between 500,000 and one million inhabitants; global cities between one and five million; and megacities with more than ten million.[953] There are currently thirty-three megacities in the world.[954] Examples of megacities active in paradiplomacy include London, Tokyo, and New York.[955]

15.2.1. Definition

According to Bjola and Kornprobst, urban diplomacy is defined as "the practice of international relations mediated by local governments."[956]

949 Raffaelle Marchetti, *City Diplomacy. From City-States to Global Cities* (Ann Harbor: University of Michigan Press, 2021), 22.

950 Marchetti, *City Diplomacy,* 1.

951 Marchetti, *City Diplomacy,* 2.

952 Marchetti, *City Diplomacy,* 42.

953 Marchetti, *City Diplomacy,* 25-26.

954 Marchetti, *City Diplomacy,* 27.

955 Bjola and Kornprobst, *Understanding International Diplomacy*, 178.

956 Bjola and Kornprobst, *Understanding International Diplomacy*, 240.

In their view, this urban activity involves "the engagement of cities with other actors in the international sphere through a variety of processes, instruments, and institutions to advance local interests."[957] Marchetti defines urban diplomacy as the combination of institutions and practices that allow urban centers to engage in relations with a third party—state or non-state—beyond borders to pursue their interests.[958]

For Mamadouh and van der Wusten, the term city diplomacy has various meanings, ranging from a definition that includes all external political relations of cities, to a restricted one focused on the role of mayors as mediators in international dispute resolution. According to these authors, urban diplomacy is also known by other terms that do not explicitly refer to diplomacy, such as "city-to-city cooperation," "city twinning," "sister cities," "city partnerships," "external projects," and "external action."[959]

15.2.2. Objectives

In Marchetti's opinion, city diplomacy expresses the citizens' desire to have another perspective on international affairs. It provides an opportunity for cities to engage with counterparts abroad and potentially obtain significant benefits. To this end, cities interact with international institutions, foreign governments, NGOs, private companies, and numerous other actors on the global stage. They operate through multilateral networks, bilateral partnerships, and joint initiatives.[960]

15.2.3. History

Since their inception in Ancient Mesopotamia, as noted by Bjola and Kornprobst, cities have been stable diplomatic actors. Throughout history, they have constituted nodes of human activity. These authors point out that to pursue their interests as they grew, cities began to exchange envoys

957 Bjola and Kornprobst, *Understanding International Diplomacy*, 246.

958 Marchetti, *City Diplomacy*, 47.

959 Mamadouh and Van Der Wusten, "The Paradiplomacy of Cities," 137.

960 Marchetti, *City Diplomacy*, 4.

on a regular basis to manage trade and conduct negotiations.[961] Acuto highlights that cities are also the oldest diplomatic actors,[962] recalling that cities in Ancient Mesopotamia and Anatolia maintained envoy exchanges to establish mutual recognition and commercial missions. He emphasized that during the Middle Ages and the Renaissance, diplomacy was dominated by city-states, particularly in Italy and Northern Europe, where they formed the Hanseatic League. This league's intense diplomatic competition and interactions helped undermine the Holy Roman Empire while fueling the commercial revolution and explorations across the Atlantic and Asia.[963]

Bjola and Kornprobst stress that many characteristics of the current diplomatic system, such as permanent missions, evolved from the continuous diplomacy of cities. They also note that the nation-state, often identified as the principal diplomatic actor on the international stage, is a relatively new entity. It first appeared with the Peace of Westphalia in 1648, and later, at the Congress of Vienna in 1815, nation-states became the primary international actors. During this period, cities gradually lost their monopoly on conducting foreign policy, which passed to the newly formed states and their institutions.[964] However, as Acuto also pointed out, even afterward, cities historically continued to conduct diplomatic activities such as communication and representation well beyond the life of the Westphalian national-state system.[965]

Today, city diplomacy involves their engagement with other international actors through processes and institutions that can promote their interests. To this end, cities have begun to constitute a traditional diplomatic system.[966] Megacities such as London, Tokyo, and New York have participated in international organizations, particularly UNESCO. As Marchetti noted, cities have recently been invited to preparatory

961 Bjola and Kornprobst, *Understanding International Diplomacy*, 240.

962 Michele Acuto, "City Diplomacy," in *The Sage Handbook of Diplomacy*, ed. Costas M. Constantinou, Pauline Kerr and Paul Sharp (London: Sage, 2016), 511.

963 Acuto, "City Diplomacy," 511.

964 Bjola and Kornprobst, *Understanding International Diplomacy*, 240.

965 Acuto, "City Diplomacy," 511.

966 Bjola and Kornprobst, *Understanding International Diplomacy*, 240.

meetings for UN-led processes in areas like disaster risk reduction, sustainable development, climate change, and housing. Additionally, they have advocated for special status at the UN General Assembly.[967] Many global cities, as Acuto noted, have offices dedicated to international relations with the specific task of promoting the city abroad and establishing international connections.[968]

15.2.4. Modes of Operation

Generally, paradiplomacy, according to Bjola and Kornprobst, encompasses three strands: economic (attracting trade and investment), cooperation (cultural, educational, technical, technological, and others), and political (autonomy).[969] Marchetti expands this classification by also considering the number of interlocutors, noting that this interaction can be bilateral or multilateral.

a) Bilateral Operations

In the bilateral realm, cities, especially megacities, seek special relationships, often through twinning arrangements. Mayors sign general *memoranda* of understanding or specific programs in areas such as education and the environment.[970] Areas of cooperation include municipal policing, with the exchange of liaison officers. Another increasingly relevant area among cities is climate change.[971] Marchetti observed that local governments seek exchanges of capabilities, know-how, technology, best practices, and experiences in purely administrative sectors such as mobility, urban planning, bureaucracy, health, welfare, and other public services.[972]

967 Marchetti, *City Diplomacy*, 5.
968 Acuto, "City Diplomacy," 514.
969 Bjola and Kornprobst, *Understanding International Diplomacy*, 179.
970 Bjola and Kornprobst, *Understanding International Diplomacy*, 241.
971 Bjola and Kornprobst, *Understanding International Diplomacy*, 242.
972 Marchetti, *City Diplomacy*, 71.

b) Multilateral Operations

Cities gain observer status in international organizations, participate in debates, and collaborate on projects focused on the delivery of municipal services.[973]

— An international organization of special relevance for cities, according to Marchetti, is the UN Human Settlements Programme (UN-Habitat). Created in Vancouver in 1976, it became the primary driver for a profound shift in viewing cities as international actors. Its New Urban Agenda (2016) focuses on urban sustainability, as envisaged in the 11th Sustainable Development Goal (SDG).[974]

— The United Cities and Local Governments (UCLG) network advocates for urban interests within the UN. Cities come together to voice specific interests and subsequently aim to act with one voice, which, according to Marchetti, makes them more efficient in influencing the relevant institution.[975]

— Outside the UN framework, a notable event in city diplomacy is the Urban 20 Mayors Summit. Its members are primarily mayors from G20 countries and their sherpas. Each of the G20 cities, Marchetti observes, represents a significant political and economic force. Together, they equate to the fifth most populous country in the world and account for 8% of global GDP. Collectively, they constitute the world's third-largest economy, after the United States and China. Their goal is to bring city issues to the forefront of G20 discussions.[976]

Marchetti notes that city networks provide a central infrastructure for city diplomacy to operate in the international system. They create partnerships and often involve the private sector.[977] The number of networks increased from 55 in 1985 to 2,015 in 2016.

973 Bjola and Kornprobst, *Understanding International Diplomacy*, 242.

974 Marchetti, *City Diplomacy*, 70.

975 Marchetti, *City Diplomacy*, 70.

976 Marchetti, *City Diplomacy*, 71.

977 Marchetti, *City Diplomacy*, 77.

— Some of these networks are regional, such as MERCOCITIES, founded in 1995, currently with 353 cities from MERCOSUR.[978]

— Others are international, like the C40 Cities Climate Leadership Group, created in London in 2005, focusing on climate issues with more than 90 affiliated cities[979] representing a quarter of the global economy and more than 600 million inhabitants.[980]

— Additionally, there is the International Council for Local Environmental Initiatives (ICLEI), which includes over 1,200 cities.[981]

— City networks also include other actors, such as the private entity Bloomberg Philanthropies, which has launched several projects to strengthen cities' capacities to solve critical challenges,[982] and

— the Ellen MacArthur Foundation, which is dedicated to the theme of the circular economy.

15.2.5. Areas of Activity

Cities engage internationally in various domains, including economic, cultural, and many others, as outlined below.

a) Economic Activity

The economic dimension of city diplomacy is primarily evident in attracting investments and exporting goods.[983] The attraction of capital for economic activities can occur through tourism, hosting global institutions and companies, and organizing fairs, exhibitions, and sports competitions. To achieve these goals, cities promote trade and investment missions, commercial shows, and tourism events.[984] According to Marchetti, creating

978 Marchetti, *City Diplomacy,* 78-79.
979 Marchetti, *City Diplomacy,* 79.
980 Bjola and Kornprobst, *Understanding International Diplomacy,* 242.
981 Marchetti, *City Diplomacy,* 80.
982 Marchetti, *City Diplomacy,* 81.
983 Marchetti, *City Diplomacy,* 83.
984 Marchetti, *City Diplomacy,* 82.

a brand and an internationalization strategy is linked to the potential soft power cities can develop.[985]

b) Cultural Activity

Cultural diplomacy involves student exchanges, migration networks, the presence of museums, galleries, and theaters, as well as the organization of major events (festivals, shows, exhibitions).[986] This includes bringing in artists and cultural institutions focused on cultural enrichment and enhancing international projection. It also encompasses bids to host global events such as the Olympic Games, the World Cup, and the World Expo.[987]

c) Other Activities

Cooperation between cities to combat epidemics, such as COVID-19, defending human rights, welcoming migrants, and providing development cooperation are other forms of city diplomacy.[988]

15.2.6. Evaluations

Marchetti observes that in the new global governance system, local authorities have gained more maneuvering space at the international level[989] as non-state actors are ubiquitous in global politics,[990] and the dynamics of globalization have accentuated the diminishing exclusivity of states as actors in international relations.[991] According to him, cities are emerging on the global stage as promising new actors capable of addressing global challenges and even building their own foreign policies.[992]

However, not everyone recognizes the growth of city diplomacy. For instance, Kleiner argues that not all interactions of subnational units with the outside world deserve to be called diplomacy. Examples

985 Marchetti, *City Diplomacy,* 90.
986 Marchetti, *City Diplomacy,* 90.
987 Marchetti, *City Diplomacy,* 82-83.
988 Marchetti, *City Diplomacy,* 99-104.
989 Marchetti, *City Diplomacy,* 16.
990 Marchetti, *City Diplomacy,* 14
991 Marchetti, *City Diplomacy,* 18.
992 Marchetti, *City Diplomacy,* 107.

of non-diplomatic subnational actions include imposing sanctions to influence foreign actors or trade barriers for goods and services.[993] Such examples violate constitutional norms that limit the national and local spheres of states.

a) Political Power

Marchetti predicts that the constitutional power of larger cities will be a key issue in the democratic governance of the second half of the century. It is worth questioning whether the growth of cities will automatically mean their empowerment or, conversely, whether cities will be constrained by actors interested in maintaining the status quo due to their increasing power. He notes that in various countries, including Canada, the United States, and the United Kingdom, conservative parties receive more support from rural areas, while liberals tend to gain a majority in globally integrated cities. He concludes that conservative parties might argue that greater urban representation could lead to an urban (liberal) tyranny.[994]

b) Outcomes

According to Marchetti, subnational diplomacy is seen as more efficient than federal or central diplomacy in attracting specific investments and cooperation. They can serve as functional substitutes for national diplomacy. When states are unable to serve the interests and support the rights of citizens or do so inefficiently, cities can complement or replace them.[995] Sometimes, cities can thus direct themselves internationally in clear contrast to the national government, which, as Marchetti notes, can generate controversies in the country.[996]

c) Future Perspectives

As Acuto noted, cities have evolved from mere connections between sister cities to cooperation in city networks with governmental organizations,

993 Kleiner, *Diplomatic Practice*, 21-24.
994 Marchetti, *City Diplomacy*, 52.
995 Marchetti, *City Diplomacy*, 6.
996 Marchetti, *City Diplomacy*, 5.

NGOs, and companies on global governance issues ranging from the environment to culture or security. He concludes that, in the future, it is likely that cities will be seen weaving a networked texture of transnational, international, and subnational connections.[997]

Marchetti noted that city diplomacy has become widespread among municipalities, including small, medium, and large cities, in both developed and developing countries worldwide. In his opinion, city diplomacy should be seen as an institutional platform that allows them to connect on global and local dimensions. He concludes that there are risks and opportunities in cities' international actions. Their empowerment requires time and resources, and current norms hinder this action abroad. To mitigate these risks, according to Marchetti, cities should improve their internal institutions, social awareness, coordination with the central government, coordination with international actors, and coordination with their counterparts.[998]

15.3. Conclusions

Subnational diplomacy, particularly that of cities, constitutes a distinct reality from that exercised by central or federal governments. Subnational entities engage with their counterparts, exchange local-level experiences, receive, and provide cooperation, maintain networks, and express positions on international issues that affect them, such as urban planning, education, or the environment, to name a few examples. Megalopolises like São Paulo maintain intense international activity both bilaterally and multilaterally.

The relationship between subnational entities and the outside world has gained increasing acceptance from central governments but still faces resistance. Constitutional rules on external representation restrict local actions in areas such as the acceptance of immigrants, foreign trade, and access to international financing that requires approval from national financial institutions.

997 Acuto, "City Diplomacy," 519.

998 Marchetti, *City Diplomacy,* 108-109.

Fourth Part
Challenges, Changes, and Perspectives

Chapter 16
Challenges, Changes, and Perspectives

Throughout its extensive history, diplomacy has established a tradition of adapting to new circumstances. Since its distant origins, it has undergone numerous changes as an institution. It has redefined, refined, and expanded itself, and today it is the heir to a rich heritage of time-tested practices. As it has in other moments of its trajectory, diplomacy now faces challenges, which are examined in this final chapter. Additionally, it discusses ongoing changes and actions recommended for adapting to innovations in the international context. Finally, the future perspectives of this ancient profession are speculated upon.

16.1. Challenges

The challenges facing diplomacy in the 21st century include globalization (a phenomenon driven primarily by the international electronic network);[999] the proliferation of new actors (governments, international organizations, NGOs, and corporations); the increase in the number of issues addressed by foreign policy;[1000] the consequent need for greater interaction with civil society; and, finally, the diminishing separation between levels of diplomatic participation (municipal and central; bilateral, regional, and global). As a result of these factors, the scope and functions of foreign ministries and their missions have arguably been reduced.[1001] Three of these challenges are examined below: the impact of globalization, the proliferation of actors, and the increase in the number of issues.

999 Jovan Kurbalija, "The Impact of the Internet and ICT on Contemporary Diplomacy," in *Diplomacy in a Globalizing World*, ed. Pauline Kerr and Geoffrey Wiseman (Oxford: Oxford University Press, 2013), 144.

1000 Andrew F. Cooper, Jorge Heine, and Ramesh Thakur, "Introduction: The Challenges of 21st–Century Diplomacy," in *The Oxford Handbook of Modern Diplomacy* (Oxford: Oxford University Press, 2013), 6.

1001 Cooper, Heine and Thakur, "Introduction," 6.

16.1.1. Globalization

Regardless of its definition, globalization, according to Haas, consists of the

> [...] emergence of an increasingly interconnected world characterized by greater flows of workers, tourists, ideas, electronic correspondence, oil and gas, television and radio signals, data, recipes, illicit drugs, terrorists, migrants and refugees, weapons, viruses (both computer and biological), carbon dioxide and other gases contributing to climate change, manufactured goods, food, dollars and other currencies, tweets, and much more.[1002]

In his view, technology has significantly contributed to this phenomenon.[1003] Additionally, geopolitics, corporate decisions, and foreign trade, among other factors, have played substantial roles.[1004] Climate change does not respect borders, nor do infectious diseases such as COVID-19. One way governments address globalization, Haas continues, is collectively rather than nationally, which, in his view, characterizes the essence of multilateralism.[1005]

Globalization has rendered national borders less relevant in determining ideas, disseminating information, distributing services, capital, labor, and technology. The speed of communication has made borders more permeable than before,[1006] as Kleiner puts it, and cross-border migrations have challenged States' capacities to absorb new populations. In his perception, globalization has made territory less important, although it remains the foundation of States since the creation of the Westphalian system. Diplomacy, as Wiseman pointed out, has had to incorporate into its practices the effects of globalization, the end of the Cold War,

1002 Richard Haas, *The World. A Brief Introduction* (New York: Penguin Books, 2021), 159.

1003 Haas, *The World*, 160.

1004 Haas, *The World*, 161-162.

1005 Haas, *The World*, 163.

1006 Juergen Kleiner, *Diplomatic Practice. Between Tradition and Innovation* (Singapore: World Scientific, 2010), 17.

regionalization, and the shift in the global balance of power, with the rise of China's power being its most significant expression.[1007]

The actors and interests involved in foreign policy formulation have multiplied and diversified, as Gilboa observed, creating opportunities for mutual collaboration. In this context, foreign ministries have more tools that are more effective and faster.[1008] Diplomats can reach and engage broad audiences, and citizens can influence foreign policy and diplomacy more than ever before.[1009]

Moreover, as Roberts noted, ambassadors face competition from Heads of State and Government, as well as ministers, in addition to paradiplomacy and Track II diplomacy,[1010] whether when traveling or through direct communication.[1011] With the advent of new actors and the digital dissemination of information, diplomacy, as Verbeke emphasizes, witnesses a reduction in its monopoly or control over confidential or secret information obtained during negotiations.[1012]

As a result of this evolution, in Khanna's exaggerated words, diplomacy today occurs between "anyone who is anyone." He noted that there are around two hundred countries in the world that interact with each other, around one hundred thousand multinationals that constantly negotiate with governments and each other, and at least fifty thousand transnational NGOs that consult international laws and treaties and intervene in conflict zones to aid regimes and people in need. He concluded that all these actors have acquired sufficient authority—whether through money, experience, or status—to become influential.[1013]

1007 Kerr and Wiseman, "Conclusion," in Diplomacy in a Globalizing World, ed. Pauline Kerr and Geoffrey Wiseman (Oxford University Press, 2013), 340-341.

1008 Eytan Gilboa, "Digital Diplomacy," in *The Sage Handbook of Diplomacy*, ed. Costas M. Constantinou, Pauline Kerr, and Paul Sharp (London: Sage, 2016), 542.

1009 Gilboa, "Digital Diplomacy," 540.

1010 Ivor Roberts, "Diplomacy—A Short History from Pre-Classical Origins to the Fall of the Berlin Wall," in *Satow's Diplomatic Practice*, 7th edition, ed. Ivor Roberts (Oxford: Oxford University Press, 2017), 25.

1011 Johan Verbeke, *Diplomacy in Practice: A Critical Approach* (Abingdon: Routledge, 2023), 47.

1012 Verbeke, *Diplomacy in Practice*, 47.

1013 Parag Khanna. *How to Run the World: Charting a Course to the Next Renaissance*, Kindle ed. (New York: Random House Publishing Group, 2011), 174.

16.1.2. Actors

One may disagree with Mills's assertion that sovereign states no longer control international relations.[1014] However, it must be acknowledged that nowadays, besides governments, intergovernmental and non-governmental organizations, as well as some global corporations, also directly or indirectly participate in diplomacy or exert influence over it.

a) Governments

Since 1945, the number of countries has quadrupled, exhibiting significant diversity among them. Cooper et al. note that the first wave of expansion occurred with the decolonization process in Asia and Africa (1950-1960) and in the South Pacific (1970s); the second wave followed the collapse of the Soviet empire with the creation of new countries in Eastern Europe and Central Asia (1990s).[1015]

The diversity of government representatives from different cultures and development levels, according to Cooper et al., contributes to the complexity of the diplomatic negotiation process.[1016] One factor is the increase in international relations units within other ministries and government agencies that conduct parallel diplomacy. For example, it is natural for education officials to attend UNESCO meetings, health officials to attend WHO meetings, finance officials to attend IMF and World Bank meetings, foreign trade officials to attend WTO meetings, and environment officials to participate in the COPs. In some developed countries' embassies, Heine noted, there are more representatives from other ministries than diplomats from the foreign ministry.[1017]

Another phenomenon concerning governments is the different levels of activity, as subnational units have started to communicate directly with their counterparts in other countries. The effects have been not only quantitative changes in diplomatic theory and practice but also qualitative

1014 Greg Mills, "Trade and Investment Promotion," in *The Oxford Handbook of Modern Diplomacy*, ed. Andrew Cooper, Jorge Heine, and Ramesh Thakur (Oxford: Oxford University Press, 2013), 402.

1015 Cooper, Heine, and Thakur, "Introduction," 7.

1016 Cooper, Heine, and Thakur, "Introduction," 15.

1017 Jorge Heine, "From Club Diplomacy to Network Diplomacy," in *The Oxford Handbook of Modern Diplomacy*, ed. Andrew Cooper, Jorge Heine, and Ramesh Thakur (Oxford: Oxford University Press, 2013), 61.

changes in an ancient profession that needs to adapt to the imperatives of the new century.[1018]

b) Intergovernmental Organizations

Currently, there are more than 300 intergovernmental organizations in existence.[1019] They maintain activities in various countries and are created by formal intergovernmental agreements (treaty, charter, or statute). States have the power to revoke their authority, as well as to suspend their contributions and reduce their operational capacities.[1020] However, as Karns and Mingst remind us, the reality is that international secretariats can take initiatives on many issues and are not merely civil servants limited to carrying out the mandate of member states.[1021]

The Brazilian Sergio Veira de Mello, a UN official, led the mission of that organization in East Timor until its independence was formalized in 2002. In practice, he led that territory then under UN jurisdiction.

The network of multilateral organizations has grown spectacularly,[1022] with a surge in the growth of regional organizations.[1023] Soon, a new form of semi-diplomatic resident representation emerged, namely, the representative of one organization to another. For example, there are representations at the UN headquarters of both the World Bank and the EU, as well as the Arab League.[1024]

Thanks to the growth of international organizations, some cities around the world concentrate a high number of diplomatic missions. In New York, with almost universal membership of 193 countries, the UN comprises a true community. Diplomatic representatives interact

1018 Heine, "From Club Diplomacy," 57.

1019 "The Yearbook of International Organizations, Union of International Associations," accessed August 29, 2024, http://uia.org.uia.org.

1020 Margaret P. Karns e Karen A. Mingst, "International Organizations and Diplomacy," in *The Oxford Handbook on Modern Diplomacy*, ed. Andrew Cooper, Jorge Heine, and Ramesh Thakur (Oxford: Oxford University Press, 2013), 145.

1021 Karns and Mingst, "International Organizations and Diplomacy,"152.

1022 Karns and Mingst, "International Organizations and Diplomacy,"142.

1023 Cooper, Heine, and Thakur, "Introduction," 10.

1024 David Malone "The Modern Diplomatic Mission," in *The Oxford Handbook of Modern Diplomacy*, ed. Andrew Cooper, Jorge Heine, and Ramesh Thakur (Oxford: Oxford University Press, 2013), 124.

with non-state actors who formally or informally participate in the UN's diplomatic process.[1025] Universities, think tanks, and foundations that hold meetings outside the formal structures and rules of the UN also engage in these activities.[1026]

World diplomacy is particularly active and numerous in some cities. For instance, Washington D.C. hosts the largest number of bilateral representations, in addition to being the seat of the OAS and international financial organizations;[1027] Brussels, with bilateral embassies, permanent delegations of NATO and the EU, as well as significant bureaucracies of these two organizations, perhaps presents the highest density of diplomatic representations worldwide; Vienna gathers bilateral embassies and separate missions for European organizations and UN agencies; The Hague serves as the headquarters for three international courts; Geneva hosts numerous international organizations, including the WTO, UNCTAD, and the UN Human Rights Commission; Paris is home to UNESCO; Rome hosts FAO and the Vatican; London houses the International Maritime Organization (IMO) and the International Coffee Organization (ICO), among others.

There are regional and universal, generic, and specialized international organizations. Regional and plurilateral institutions have become so numerous and distinct that Rana classified them according to their level of activity: well-integrated (perhaps the only example: EU), advanced (examples: ASEAN, CARICOM, and OECD), medium intensity (examples: African Union—AU and MERCOSUR), nascent (example: Community of Democracies), and dormant (example: G-15).[1028] He also classified them according to their motivations: geographical (example: Pacific Forum), thematic (examples: OPEC and Association of Coffee Producers), geopolitical (examples: NATO and G7), geoeconomic (examples: G77 and OECD), and cultural or linguistic (example: Francophonie).[1029] He further noted that two plurilateral intergovernmental organizations, the

1025 George Wiseman, and Sumita Basu "The United Nations," in Kerr and Wiseman, *Diplomacy in a Globalizing World*, ed. Pauline Kerr and Geoffrey Wiseman (Oxford University Press, 2013), 331.

1026 Wiseman, and Basu "The United Nations", 333.

1027 Malone, "The Modern Diplomatic Mission," 133.

1028 Kishan S. Rana, *21st Century Diplomacy. A Practitioner's Guide* (London: Bloomsbury, 2011), 44.

1029 Rana, *21st Century Diplomacy*, 45.

Non-Aligned Movement (120 active members and observers) and the G77 (130 members), persist despite not having undergone modifications.[1030]

According to Karns and Mingst, the causes of the increase in the creation of intergovernmental organizations include the two world wars, economic development, technological innovation, and the growth of the governance system in the 20th century. They function to collect and analyze information (like UNEP), provide services and assistance (such as the UNHCR), offer a forum for decision-making (UNGA), and resolve disputes (ICJ). They constitute multilateral diplomatic forums, although they are also used for bilateral meetings.[1031]

The decision-making process of international organizations varies from one to another and is inspired by national parliaments. In some forums, each state has one vote (for example, in the UNGA); in others, there are weighted votes (for example, in the IMF and World Bank, where financial contributions prevail). In the UNSC, its permanent members have veto power, and in other organizations (such as the WTO), decisions are made only by consensus.[1032]

Most foreign ministries have units dedicated to handling international organizations, with the number of staff and their level reflecting the relative significance of multilateral diplomacy in each government's list of priorities.[1033]

The forums of international organizations are particularly useful for introducing new topics to the international agenda. The UNGA serves this purpose because delegates can consider any matter within the scope of the Charter (Article 10), a provision particularly useful for small or developing countries. Agendas tend to be overloaded, diverting attention from critical issues, draining resources, and consuming valuable time. A diplomatic balancing act involves enough flexibility to accommodate

1030 Rana, *21st Century Diplomacy*, 51-52.

1031 Karns and Mingst, "International Organizations and Diplomacy," 143.

1032 Karns and Mingst, "International Organizations and Diplomacy," 145.

1033 Jeremy Greenstock, The Bureaucracy: Ministry of Foreign Affairs, Foreign Service, and Other Government Departments," in *The Oxford Handbook of Modern Diplomacy*, ed. Andrew F. Cooper, Jorge Heine, and Ramesh Thakur (Oxford: Oxford University Press, 2013), 119.

new topics and the interests of states, as well as a strategic sense for issues that require attention.[1034]

c) Non-Governmental Organizations (NGOs)

The number of NGOs has increased rapidly in recent decades, adding complexity to international relations. More than three thousand NGOs have been granted observer status by ECOSOC; some larger NGOs, despite facing legitimacy challenges compared to representatives of democratic governments, have come to exert greater influence on the agendas of international organizations than states themselves.[1035] As Kleiner noted, NGOs have assumed roles previously performed by governments, such as combating hunger, poverty, drought, and environmental pollution.[1036]

According to Khanna, although official diplomacy was slow to recognize the importance of NGOs, their participation grew so rapidly at the World Economic Forum (WEF) summits that the waves of anti-globalization protests that plagued international meetings in the first decade of the 21st century ceased to bother that organization.[1037] Cooper et al. argue that this occurred because diplomacy faced the challenge of giving voice to these civil society representatives without granting them a vote or veto power, as doing so would mean relinquishing the responsibility to govern for all citizens.[1038] Moreover, there are limits to the role of NGOs, and foreign ministries must find a balance between constant consultation with them and a closed-door policy.[1039] Additionally, as Kleiner noted, NGOs cannot replace governments when state jurisdiction is indispensable for achieving final outcomes. Even if they promote an international agreement, they cannot conclude it,[1040] as this function is the prerogative of states.

The idea that civil society helps establish the global political agenda is, according to Hochsteller, widely accepted. These actors, she noted, tend

1034 Karns and Mingst, "International Organizations and Diplomacy," 147.
1035 Cooper, Heine, and Thakur, "Introduction," 11.
1036 Kleiner, *Diplomatic Practice*, 24.
1037 Khanna, *How to Run the World*, 806.
1038 Cooper, Heine, and Thakur, "Introduction," 11.
1039 Greenstock, "The Bureaucracy," 117.
1040 Kleiner, *Diplomatic Practice*, 25.

to specialize in their preferred areas, striving to draw global attention to specific topics and urging states to act. They anticipate public opinion formation and benefit from not being part of governmental structures, allowing them to express critical voices. She also observed that NGOs bring specialized knowledge to their subjects, influence governments, shape public opinion, and expand the diplomatic agenda. However, she warned that the agendas they propose are not always complete or well-directed and may represent a short-term vision in many aspects. It remains unclear, Hochsteller questioned, whether agenda-setting by civil society strengthens global democracy.[1041]

NGOs, Hochsteller further noted, can introduce an item to the agenda, but it is difficult to generalize about the impact of civil society activity on negotiations, as it can be significant or minimal.[1042] On the other hand, NGOs also play a role in implementing agreements. To this end, she observed, they propose the creation of new institutions, legislative changes, and behavioral changes, and sometimes even replace governmental diplomacy in conflict situations.[1043]

Another way NGOs exert influence in diplomacy is through the creation of Commissions, usually composed of distinguished personalities and aimed at promoting ideas that can change the course of diplomatic negotiations. The most visible example of such an initiative, in Evans's opinion, was the Brundtland Commission (1987), whose report influenced the adoption of the concept of sustainable development at the Rio 92 conference. According to Evans, the following commissions had operational impacts:

— The Pearson Commission (1969), which proposed that each country allocate 0.7% of its GDP to Foreign Development Assistance;

— The Lakhdar Brahimi Panel on UN Peace Operations, which proposed a series of changes in the practices of those forces in the 1990s;

1041 Kathryn Hochsteller, "Civil Society," in *The Oxford Handbook of Modern Diplomacy*, ed. Andrew Cooper, Jorge Heine and Ramesh Thakur (Oxford: Oxford University Press, 2013), 179-182.

1042 Hochsteller, "Civil Society," 186.

1043 Hochsteller, "Civil Society," 186-187.

— The Commissions chaired by Jeffrey Sachs on Macroeconomics and Health (2001);
— The UN Millennium Project (2005), which made recommendations for the Millennium Development Goals;
— The International Commission on Intervention and State Sovereignty (2001); and
— The High-Level Panel on Threats, Challenges, and Change (2004), which laid the groundwork for the concept of the "responsibility to protect."

According to Evans, the following commissions had normative impacts:

— The Commission on Global Governance (1995);
— The Canberra Commission on the Elimination of Nuclear Weapons (1996); and
— The Palme Commission (1982).[1044]

d) Global Corporations

The notion that transnational (also called multinational) corporations engage in some form of diplomacy is not entirely convincing, although it can be conceded that they exert influence on international issues. The arguments presented by Pigman and summarized below are varied, ranging from alleged similarities between the activities of transnational corporations abroad and diplomatic missions to concrete cases of mega-corporate leaders participating in summits with heads of state or government. The following summarizes some of these arguments.

Large companies with cross-border operations increasingly function as diplomatic actors, according to Pigman, in a manner analogous to nation-states, multilateral institutions, and civil society organizations.[1045] This interaction, he argues, is an ongoing part of their business activities. Thus,

1044 Gareth Evans, "Commission Diplomacy," in *The Oxford Handbook of Diplomacy*, ed. Andrew Cooper, Jorge Heine, and Ramesh Thakur (Oxford: Oxford University Press, 2013), 278-302.

1045 Geoffrey Allen Pigman, "The Diplomacy of Global and Transnational Firms," in *The Oxford Handbook on Modern Diplomacy*, ed. Andrew Cooper, Jorge Heine, and Ramesh Thakur (Oxford: Oxford University Press, 2013), 192.

it resembles traditional diplomacy because they establish representative offices in national capitals, headed by individuals performing roles akin to "corporate ambassadors"; maintain regular communications and specific negotiations with governments and civil society representatives; organize summits between CEOs and heads of government; and engage in "public diplomacy" strategies aimed at informing foreign publics about the company's objectives.[1046] An example of this corporate "diplomacy" cited by Pigman is Bill Gates's visit to India in 2004, during which he announced significant investments in the country.[1047]

Pigman also noted that multinationals often maintain a Government Relations sector at their headquarters, like a foreign ministry.[1048] The routine "diplomatic" contacts between companies and governments also resemble traditional diplomacy, as companies bilaterally share information, inquire about government programs or legislative proposals that may affect investments.

Other avenues for diplomacy between companies and governments, according to Pigman, include multilateral organizations such as development banks and the World Economic Forum. Both provide institutional venues for companies and governments to meet and negotiate business understandings and, in some cases, facilitate agreements. An example is the MIGA, a World Bank Group unit established in 1988 to promote foreign investment in developing countries through political risk insurance. Regarding the World Economic Forum, its members, more than a thousand global companies, organize global and regional seminars throughout the year. At the Forum, companies meet with government representatives, civil society, academics, and the media.[1049] According to Khanna, the World Economic Forum has become the archetype of new diplomacy: informal, efficient, and involving all relevant types of actors on an equal footing.[1050]

In his argumentation, Pigman includes data showing that several multinationals have annual revenues exceeding those of many countries

1046 Pigman, "Global and Transnational Firms," 193.
1047 Pigman, "Global and Transnational Firms," 195.
1048 Pigman, "Global and Transnational Firms," 196.
1049 Pigman, "Global and Transnational Firms," 198.
1050 Khanna, *How to Run the World*, 817.

with which they negotiate. He also mentions the "diplomatic skills" required of companies to persuade governments about measures affecting investments.[1051] He recalls agreements made between major pharmaceutical companies and the WHO.[1052]

Another author, Kleiner, views the international activities of multinationals as lobbying efforts with both governments and international organizations. He emphasizes that, in this sense, they pursue private, profit-oriented objectives. They can propose international standards, but only governments can make these mandatory. Nonetheless, he acknowledges that the lobbying activities of multinationals have similarities with those of diplomatic missions. He also notes that transnational companies request and receive support from diplomatic missions. He underlines that these can promote trade but cannot sell products or services.[1053]

What constitutes "business diplomacy"? According to Rüel and Wolters, it "involves influencing economic and social actors to create and seize business opportunities; working with international rule-making bodies that can affect international business; mitigating potential conflicts with stakeholders and minimizing political risks; and using multiple international forums and media channels to safeguard the company's image and reputation."[1054] In summary, it encompasses the international activities of companies in promoting their private interests.

16.1.3. Issues

The number of issues addressed internationally by diplomacy has expanded exponentially in recent years. Today, these include nuclear proliferation threats, climate change, international terrorism, human trafficking, piracy, the global financial crisis, widespread poverty, ongoing wars, the impact of refugee and immigrant flows, as well as the consequences of pandemics.[1055] In fact, as noted by Cooper et al., very few topics nowadays

1051 Pigman, "Global and Transnational Firms," 200.

1052 Pigman, "Global and Transnational Firms," 203.

1053 Kleiner, *Diplomatic Practice*, 27.

1054 Huub Ruël and Tim Wolters, "Business Diplomacy," in *The Sage Handbook of Diplomacy*, ed. Costas M. Constantinou, Pauline Kerr, and Paul Sharp (London: Sage, 2016), 566.

1055 Roberts, "Diplomacy—A Short History," 35.

escape the oversight of some international body.[1056] Conversely, according to Greenstock, certain technical issues are handled by area specialists among government representatives, without the foreign ministries needing any knowledge of them to ensure the national interest is met.[1057]

16.2. Changes

16.2.1. Ongoing

Foreign ministries have felt the need to invest in new technology and prepare for the information revolution.[1058] According to Barston, digital diplomacy has posed a challenge, as electronic diplomacy, being more informal, has had implications for administration, archiving, and oversight.[1059] Diplomats in various posts, as observed by Hutchings and Suri, have created new networks with their colleagues in their own foreign ministries and even with their counterparts in other countries, bypassing traditional lines of authority.[1060] Regional groups have also been formed where diplomats of various levels communicate directly. Additionally, as Kurbalija noted, the availability of access to electronic networks in conference rooms has enabled more open and inclusive negotiations.[1061]

This new technological reality, in the opinion of Bjola and Kornprobst, has shaken the concept of state sovereignty, which has been modified to adapt to the demands of the new century.[1062] For instance, subnational entities such as cities, federal states, or autonomous regions have begun to meet directly, often without the knowledge of the central or federal national authority, establishing their own ties, particularly in financial loans and cooperation.

1056 Cooper, Heine, and Thakur, "Introduction," 9.

1057 Greenstock, "The Bureaucracy," 116.

1058 Maria Pereyra-Vera, Daniel Jimenez, and Robert Hutchings, "Brazil," in *Modern Diplomacy in Practice*. ed. Robert Hutchings and Jeremi Suri (London: Palgrave MacMillan, 2020), 14.

1059 R. P. Barston, *Modern Diplomacy*, 5th edition (Abingdon: Routledge, 2019), 7.

1060 Marne Sutten, Catherine Cousar, and Robert Hutchings, "Germany," in *Modern Diplomacy in Practice*, ed. Robert Hutchings and Jeremi Suri (London: Palgrave, 2020), 72.

1061 Kurbalija, "The Impact," 151.

1062 Corneliu Bjola and Markus Kornprobst, *Understanding International Diplomacy: Theory, Practice, and Ethics* (Abingdon: Routledge, 2018), 2.

According to Rana, the early 21st century marks a paradigm shift in how international relations are conducted. He believes that world affairs today consist of managing the colossal force of globalization.[1063] Indeed, some changes in diplomatic practices are underway, though sometimes imperceptibly. As Constantinou puts it, "national diplomatic services are changing, striving to integrate the contributions of different stakeholders [...] and discovering the outreach advantages of everyday diplomacy as they seek to form partnerships and co-opt the activities of NGOs and civilians."[1064]

Recent changes in diplomatic practices pertain to style, actors, their groupings, and the degree of publicity with which they operate. In this context, three phenomena have occurred, according to Barston: the fragmentation and fluidity of state groupings, the growth of regionalism, and the intrusion or involvement of diplomacy in areas previously seen as within the domestic policy domain.[1065]

Summits have become routine, interactions with NGOs have become standard practice, the concept of consensus has been established in various contexts, and some elements of diplomacy have become more transparent. Another change resulting from globalization, according to Rana, concerns the areas of diplomacy that have gained more attention. Writing in 2011, he noted that two generations earlier, politics was the primary focus of foreign ministries' work; the best diplomats specialized in this field. In the 1970s, economic diplomacy emerged as a component of foreign relations, sometimes overshadowing political diplomacy, with export promotion and the attraction of foreign direct investment becoming priorities in the diplomatic system's activities. More recently, according to Rana, culture, media, education, science and technology, and consular work have risen as new priorities in diplomacy.[1066]

At the beginning of the 21st century, certain aspects of consular practice began to change. Consulates, which had been relegated to a

1063 Rana, *21st Century Diplomacy,* 37.

1064 Costas M. Constantinou, "Everyday Diplomacy: Mission, Spectacle and the Remaking of Diplomatic Culture," in *Diplomatic Cultures and International Politics*, ed. Jason Dittmer and Fiona McConnell (Abingdon: Routledge, 2016), 23. 25.

1065 Barston, *Modern Diplomacy*, 95.

1066 Rana, *21st Century Diplomacy,* 13-14.

secondary role since the 18th century, saw the role of consuls restored with the emergence of new consular tasks under the pressure of globalization. As observed by Rana, the flows of citizens living or working abroad, terrorist threats, and natural disasters have increased. These phenomena have required consuls to expand their duties in visa issuance, protection, and assistance to their countries' citizens.[1067]

16.2.2. Proposals

What should current and future diplomats do to adapt to new circumstances? There has been no shortage of suggestions and recommendations, most of which advocate for a more active public diplomacy. Below are some examples of the advice that a modern diplomat should follow:

— According to Heine, it is necessary to replace the so-called club diplomacy with network diplomacy,[1068] which involves increasing the practice of electronic network diplomacy and, through it, more efficiently communicating the ideas, values, and projects of the country represented. To achieve this, diplomats should abandon hermetic language.[1069] This expansion of public diplomacy should aim to reach "followers" of posts on electronic platforms. In addition to representing, informing, protecting, negotiating, and promoting, the diplomat must also project the country they represent.[1070]

— Greenstock recommends maintaining relationships, both in the capital and in overseas posts, with think tanks, journalists, academics, and civil society to better understand where and how external opinion will impact decisions and activities.[1071]

— Mills asserts that diplomacy must be capable of addressing a wide range of new topics and engaging with a multitude of actors in

1067 Kishan S. Rana, "Embassies, Permanent Missions and Special Missions," in *The Sage Handbook of Diplomacy*, ed. Costas M. Constantinou, Pauline Kerr and Paul Sharp (London: Sage, 2016), 163.

1068 Cooper, Heine, and Thakur, "Introduction," 22.

1069 Heine, "From Club Diplomacy," 63.

1070 Heine, "From Club Diplomacy," 65.

1071 Greenstock, "The Bureaucracy," 114.

contemporary international relations: economic management, human rights concerns, information technology management, and new security threats including terrorism, pollution, and health risks.[1072]

— Malone adds that diplomats' contacts should also include the private sector and the media.[1073] Diplomatic posts should become more accessible to a larger number of interlocutors on a broader range of issues.[1074]

— Heine further recommends that diplomats identify key topics requiring qualified opinion and actively engage with society to project their country, not just with the government of their residence. This would require a return to the Greek tradition of diplomat-orators.[1075]

— Rozental and Buenrostro propose that diplomats be more proactive in promoting the relations of the country they represent and have their work measured by objectives achieved, timelines met, and deadlines adhered to, as well as presenting reports on measures taken to fulfill the requested goals.[1076]

— Rana states that foreign ministries should collaborate with other government areas, as each has its own activities, objectives, and priorities. Foreign ministries should reinvent themselves as coordinators of all foreign policy and work closely with these areas to maintain governmental coherence.[1077]

— On another topic, Rana questioned whether the formalities of diplomatic communication should be preserved in an era of technological innovation. He asked whether the art of writing could survive in an age of text messages and simplified language.[1078]

1072 Mills, "Trade and Investment Promotion," 407.

1073 Malone, "The Modern Diplomatic Mission," 137.

1074 Malone, "The Modern Diplomatic Mission," 138.

1075 Heine, "From Club Diplomacy," 67.

1076 Andrés Rozental and Alicia Buenrostro, "Bilateral Diplomacy," in *The Oxford Handbook of Modern Diplomacy*, ed. Andrew F. Cooper, Jorge Heine, and Ramesh Thakur (Oxford: Oxford University Press, 2013), 237.

1077 Rana, *21st Century Diplomacy*, 16.

1078 Rana, *21st Century Diplomacy*, 297.

— Malone emphasizes that good diplomacy requires long-term effort and deep commitment. In other words, he concludes, the growing challenge for envoys is that dilettantism, which has sometimes substituted professionalism in recent decades, is no longer acceptable.[1079]

— Khanna believes that "good diplomacy consists of establishing connections everywhere possible."[1080] He concluded that "improving our global diplomatic design is the key to better managing the world."[1081]

Are these proposed changes feasible? Spence et al. note that the ideas of a more communicative diplomacy face resistance, and to implement them, appropriate training for professional diplomats would be necessary. They observe that "diplomats are under increasing pressure to be more representative and responsive to the societies they serve."[1082] They conclude that there is a need for an "ever-expanding range of responsibilities for modern diplomats."[1083]

16.3. Perspectives

For some authors, diplomacy is currently facing a moment of doubt about its very existence; for others, it will endure as it always has throughout its extensive history. Lastly, some present their predictions about the future of this activity.

16.3.1. The End of Diplomacy?

In recent times, diplomacy has been subject to questions regarding the necessity of its existence, at least in its traditional forms. For instance, Heine pointed out a paradox: at a time when international challenges seem especially urgent, the budgets of foreign ministries are being cut,

1079 Malone, "The Modern Diplomatic Mission," 138.

1080 Khanna, *How to Run the World*, 596.

1081 Khanna, *How to Run the World*, 128.

1082 E. Spence, Claire Yorke, and Alastair Masser, "Introduction," in *New Perspectives on Diplomacy. A New Theory and Practice of Diplomacy* (London: I.B. Tauris, 2021), 226.

1083 Spence, Yorke, and Masser, "Introduction," 227.

often based on misleading reasoning such as, "given summits and emails, who needs diplomats?"[1084]

Several authors explain the reasons behind these questions. Malone stated that "an air of superfluity hangs over diplomats" for another reason: a vast amount of information, far beyond that offered by the media and academia, is now available to anyone with a computer or even a cell phone.[1085] Berridge recalled old arguments that resident missions had become an anachronism. One of the reasons, he highlighted, was that travel and communication technology had advanced to such an extent that it is easy for political leaders and local officials of different countries, especially friends, to establish contact, thus bypassing their ambassadors.[1086]

Other authors express concern about the future. Rozental and Buenrostro questioned whether the role of diplomats will be limited to merely coordinating substantive activities of technocrats from specialized government agencies.[1087] In this line of thinking, diplomacy, according to Slaughter, would give way to a vast and dispersed complex of networks, coalitions, partnerships, and initiatives carried out by actors working with national governments, alongside them, or even opposing them.[1088] In this context, diplomacy would no longer be, according to Cooper et al., a domain reserved even for foreign ministers, as the international calendar includes numerous meetings to which they are not invited.[1089]

16.3.2. Resilience of Diplomacy?

On the other hand, various arguments have been presented in defense of the resilience of purely "state" diplomacy, especially bilateral diplomacy, as Verbeke views state diplomacy as still intact.[1090]

1084 Heine, "From Club Diplomacy," 56.

1085 Malone, "The Modern Diplomatic Mission," 135.

1086 G. R. Berridge, *Diplomacy: Theory and Practice*, 6th edition (Houndmills and New York: Palgrave, 2002), 116.

1087 Andrés Rozental and Alicia Buenrostro, "Bilateral Diplomacy,"233.

1088 Anne Marie Slaughter, "Com internet, ação em rede começa a desbancar diplomacia tradicional," *Folha de S.Paulo*, March 31, 2018, quoted in Franchini and Turner, *Um pouco de diplomacia* (São Paulo: Saraiva, 2021), 149.

1089 Cooper, Heine, and Thakur, "Introduction," 16.

1090 Verbeke, *Diplomacy in Practice*, 57.

Some of these arguments concern the danger of generalization. Berridge observes that for certain countries, resident embassies are more relevant than for others, depending on their location and administration.[1091] According to him, although battered and criticized since the 1970s and 1980s, resident embassies have survived because they perform essential diplomatic functions. They are versatile and protected by the VCDR. Thanks to new information technology, they are now better equipped to provide input for foreign policy formulation in capitals.[1092] Additionally, diplomats are necessary to provide the "appropriate contextualization." According to Kleiner, diplomatic judgment is needed to validate the statements of interlocutors.[1093] In his opinion, diplomacy has not shrunk but expanded. It has undergone changes and adapted. It has shown remarkable resilience.[1094]

The fact that states are retracting in favor of intergovernmental organizations does not, in Kleiner's view, mean the weakening of diplomacy, but a shift from bilateral to multilateral diplomacy. According to him, the latter focuses on negotiations aimed at preparing decisions of the organizations. In other words, such organizations have added a new layer and new functions to diplomacy. Diplomats working in these forums have a dual function: they represent their states to the organization and participate on behalf of their states in the procedures of these intergovernmental bodies. They protect their states' interests, negotiating not only with other states but also with the secretariat officials.[1095] The latter, Kleiner noted, have become more independent and often shape the organization's policy, sometimes performing political functions.[1096] However, international organizations do not have the power to implement their decisions, a function that falls to each member state.

Similarly, Forsythe asserts that despite the existence of the UN and other intergovernmental organizations like the EU, international relations still fundamentally constitute a nation-state system, albeit modified by these organizations and other non-governmental and non-state actors. He

1091 Berridge, *Diplomacy: Theory and Practice*, 117.
1092 Berridge, *Diplomacy: Theory and Practice*, 128.
1093 Kleiner, *Diplomatic Practice*, 4.
1094 Kleiner, *Diplomatic Practice*, 29.
1095 Kleiner, *Diplomatic Practice*, 15.
1096 Kleiner, *Diplomatic Practice*, 16.

argues that there are reasons grounded in power and political psychology explaining why states remain the principal subjects of international law. He adds that, in many aspects, states are still sovereign, with the authority to negotiate treaties and pronounce on customary international law.[1097]

The argument that the enormous power of open communication networks offers opportunities to reduce diplomatic representation and explore a greater variety of open sources is countered by Greenstock, who argues that these networks do not replace the professional diplomatic capacity to provide accurate judgments on "decision-making, negotiation, divisions, and shifts of power within, between, and among governments."[1098] Similarly, Kleiner notes that only states have the power to create and enforce law, as international agreements and treaties become binding only if states so decide.[1099]

In defense of maintaining traditional diplomacy, Cooper et al. argue that its institutions, protocols, and codes of conduct—which they see as the essence of diplomacy—provide order, stability, and predictability for international political interaction.[1100] Roberts also reminds us that despite the development of paradiplomacy and Track II diplomacy, the role of traditional diplomats has not become obsolete, replaced, or rendered superfluous.[1101]

16.3.3. The Future of Diplomacy?

There are those, like Kissinger, who predict that with the recent emergence of new powers,[1102] the world will need to base itself on a concept of balance of power. [1103] Consequently, there will be a greater demand for diplomacy, and no reasons for its reduction or disappearance.

Rana made four predictions for diplomacy:

1097 David P. Forsythe, "Human Rights," in *The Oxford Handbook of Modern Diplomacy*, ed. Andrew Cooper, Jorge Heine, and Ramesh Thakur (Oxford: Oxford University Press, 2013), 660

1098 Greenstock, "The Bureaucracy," 121.

1099 Kleiner, *Diplomatic Practice*, 2.

1100 Cooper, Heine, and Thakur, "Introduction," 25.

1101 Roberts, "Diplomacy—A Short History," 25.

1102 Henry Kissinger, *Diplomacy*, (New York: Simon & Schuster Paperbacks, 1994), 23, foresees six major powers: United States, Europe, China, Japan , Russia, and India.

1103 Kissinger, *Diplomacy*, 19.

— Regarding the projection of a country's image, he foresees that this activity will become central to diplomacy as essential, given that "experienced diplomats" understand better the long-term nature of the image-building process.

— Concerning the presentation of reports, Rana anticipates that embassies will continue to be an essential element for: "comprehensive analyses, joint reports from various missions that present integrated views; for the prediction of probable events; for the identification of future key actors in political, economic, and public fields; and for telescopic information in relationship building."

— With respect to development cooperation, Rana foresees that embassies will have to "mediate between multiple actors," considering "the greater role of non-governmental agents among donors and recipients of cooperation"; as well as having to "closely monitor the public and the media."

— Finally, regarding diplomatic services, he noted that "migration, travel, and diaspora communities will demand more attention"; and that "educational diplomacy will also gain more traction."[1104]

16.4. Conclusions

The practice of diplomacy, as theory indicates, has been changing and there are signs that it will continue to evolve to meet increasing challenges, whether technological or those arising from growing globalization and the proliferation of new actors and themes. Although some of its scholars are skeptical, diplomacy thus emerges as an increasingly necessary activity and appears to be enduring, albeit inevitably having to open itself to the diverse influences of contemporary society and adapt to its new circumstances.

Regarding the debate about the role of non-state actors in diplomacy, it must be recognized, on one hand, the growing and real influence of these entities, but on the other, the necessity and indispensability

1104 Rana, "Embassies, Permanent Missions, and Special Missions," In *The SAGE Handbook of Diplomacy*, ed. Costas M. Constantinou, Pauline Kerr, and Paul Sharp (London: SAGE, 2016), 158.

of state diplomatic representatives, the only ones legally capable of negotiating and concluding international agreements, and in the case of career diplomats, possessing the necessary training and experience to efficiently address numerous international issues. The diplomacies of more democratic countries have opened channels to hear the expressions of civil society, but ultimately, they make decisions according to the will of their representatives, that is, the electorate.

Like other professions that have been impacted by new technologies, diplomacy, given its long history and entrenched traditions, finds itself needing to adapt its practices to new challenges in communication and even analysis, considering recent advances in artificial intelligence as a tool for research and drafting.

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Index

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