

DIPLOMATIC FUNCTIONS IN THE 21ST CENTURY DIPLOMACY

Milan Jazbec

NOVA University, Slovenia, milan.jazbec@gmail.com

Abstract

In the evolution of diplomacy throughout human history also diplomatic functions were developing. This was determined by a concrete historical and social situation, in which diplomacy operated as well as by the concrete need to use more or less broad spectrum of diplomatic activities. From early forms of negotiation to a full developed range of all of the five functions, what we can follow during the last century, diplomatic functions evolved as far as their outer appearance, substance and mode of implementing are concerned. We could claim that during the period after the end of the Cold War the change has been most obvious. This is the period of postmodern diplomacy, which is primarily influenced by globalization. Social media play a key role here, while diplomats continue to implement interests of their sending states at the receiving states or international organizations.

Keywords: *diplomacy, diplomatic functions, the Vienna Convention on Diplomatic Relations, postmodern diplomacy*

INTRODUCTION

Diplomatic functions, as they are presented in the Vienna Convention on Diplomatic Relations (hereafter: the Convention), form the very corps of diplomatic and consular law but as well as of diplomacy as a profession. For diplomats to be able to operate in the receiving state, it is enough to be well acquainted with those functions and would basically not need any additional instructions from their sending authority. They, as put down in the Convention, present a well thought over, complex, concise and applicably clear set of rules. From one hand, this set of rules is very clear and strict in provision of diplomatic activities on the ground, but from another one it is also broad enough to give diplomats free hands to implement them in their daily work in the receiving state.

During the past 3,500 years during which we can follow the development of diplomacy, the diplomatic functions from one point of view were appearing variously and from another one have also been changing differently. Throughout that time the pace of change was slowly accelerating (comp. Berridge and James, 2005:73-74, and Feltham, 1994:3), gaining structurally and primarily on speed in the period after the end of the Cold War. As the main reason for this we see a tremendous intensification of globalization, which it gained during this time. Since the advancement of globalization rested – and still is – primarily on the development of transport

and communication technology, this period is the most important. And, consequently, also the changes are not only most visible, but above all most structural and significant.

This paper dwells primarily on the changed nature of diplomatic functions during the last thirty years. Before that we present some definitions of diplomacy and its evolution, pointing out along with the periods of classical and modern diplomacy also the periods of early and postmodern diplomacy.¹ Afterwards we focus on basic influences of globalization on diplomacy, where we also understand globalization as a unique historical situation in the development of human history.² With this in mind we elaborate on diplomatic functions and how they were changing, with a particular focus on the current period. The main research methods that we use are analysis, comparison, comment, synthesis and since the author is a career diplomat, also the method of observing with one's own participation.³

We see the role and influence of social media as a key one, since they brought the search and need for information, and this is exactly what diplomats do, to almost a climax. The information offer and ability of communicating with the support of social media is almost universal. It seems that everybody, not only diplomats, can get in touch with practically any information needed as well as with any person needed or desired, from midlevel bureaucrats to top political representatives of the receiving state. Additionally, it seems that any person in the receiving state can get as much information about the sending state from a mobile device and would hardly need to seek for this at the embassy of the sending state. While diplomats continue to implement interests of their sending states at the receiving states or international organizations, they have to keep in mind all this, meaning that also the way they perform diplomatic functions, is changed. But it is our firm belief that in spite of the changed nature and above all the implementation of diplomatic functions, they remain the same in their very core and present an indispensable corner stone of diplomatic work.

1. DIPLOMACY, ITS EVOLUTION AND RELATION TO GLOBALIZATION

From Early to Postmodern Diplomacy

Generally speaking, there exist many definitions of diplomacy. They do not contradict each other, but complement each other instead. In spite of the different approaches they share some common elements.

We have a brief look at how Satow and Nicolson (both contemporaries) as well as Barton present their views on diplomacy, since all three of them count among main authorities in this field.

Following Satow (1994:3), these elements of a definition of diplomacy could be put forward:

- The management of international relations by negotiation;

¹ These two phases, early and postmodern diplomacy, were primarily developed by the author of this contribution. Comp. Jazbec (2006 and 2009: 31-51).

² Also this part is being primarily developed by this author (comp. Jazbec, 2009: 53-56, and Jazbec, 2014).

³ For more on this research method comp. Burnham, 2004, and Mason, 2002.

- The method by which these relations are adjusted and managed by ambassadors and envoys;
- The business or art of the diplomatists;
- Skill or address in the conduct of international intercourse and negotiations.

On his side, Nicolson (1988:3-5) lists the following elements of a definition of diplomacy:

- A synonym for ‘foreign policy’;
- Negotiation;
- The processes and machinery by which such negotiation is carried out; - A branch of the Foreign Service; - An abstract quality or gift.

Barston (2006:1) already gives a full definition of diplomacy in its modern form: “Diplomacy is concerned with the management of relations between states and between states and other actors. From a state perspective, diplomacy is concerned with advising, shaping and implementing foreign policy. As such it is the means by which states through their formal and other representatives, as well as other actors, articulate, coordinate and secure particular or wider interests, using correspondence, private talks, exchanges of view, lobbying, visits, threats and other related activities.”

From this short presentation one could extract the following different understandings of diplomacy:

- Diplomacy as foreign policy
- Diplomacy as an organization
- Diplomacy as a tool and as a knowledge - Diplomacy as a way of behaviour.

However, in a more advanced, current interpretation one could understand diplomacy as a dynamic and multi-layered social process, which ensures foreign policy communication between subjects of international public law, and is above all dependent on the changing social situation in a concrete historical context and is in primary relation with the institution of the nation state. This view upon diplomacy enables us to understand its social basis and conditionality.⁴

It seems most appropriate, while discussing definitions of diplomacy, to already include the understanding of diplomatic functions as well. This will offer us a possibility to comment on them while discussing broader scope of our topic and to bring us step by step to the final observations.

The Convention presents them, in the Article 3, using the following introductory wording: “The functions of a diplomatic mission consist, inter alia, in: (...)”.⁵

We speak about the following diplomatic functions:⁶

⁴ More on this in Jazbec, 2014.

⁵ The authors of the Convention obviously did not want to limit functions on only these five and have left a possibility that diplomatic missions could exercise more of them. But since also after almost six decades of having the Convention in place without any changes in the number of diplomatic functions, one could claim that they rest firmly on the number five. Having in mind the scope, substance and modes of diplomatic activities, these five diplomatic functions form a rounded up and satisfying set of rules.

⁶ For the purpose of practicality we use the term “diplomatic functions” as it is more or less accepted in diplomatic practice and theory.

- a) *Representing* the sending state in the receiving state;
- b) *Protecting* in the receiving state the interests of the sending state and its nationals, within the limits permitted by international law;
- c) *Negotiating* with the government of the receiving state;
- d) *Ascertaining*, by all lawful means, conditions and developments in the receiving state, and *reporting* thereon to the government of the sending state;
- e) *Promoting* friendly relations between the sending state and the receiving state, and *developing* their economic, cultural and scientific relations⁷.

Generally speaking, one could say that diplomats represent, protect, negotiate, observe⁸ and report as well as promote friendly relations. Even more, had there been an ambition to sum up diplomatic work still further on, we could have said the following phrase: observe and report. The provision of the relevant information about the receiving authority for the government of the sending authority is one the most important activities, on which the sending state formulates its foreign policy towards the receiving state with its ambition on implementing its interests in the receiving state. There is a constant need for information that diplomatic missions provide. Hence Paterson (1969) also defines diplomacy as an “information gathering machinery.” Relevant information are the basis for relevant policy and political decision making.⁹

But when we look at the development of diplomacy throughout history, we could notice that in different periods some diplomatic functions were more present than other ones. We would comment on this through the discussion that follows.

When we discuss the origins and evolution of diplomacy, one could present the following four phases: early diplomacy (app. 3,000 B.C.–1648), classical diplomacy (1648–1920), modern diplomacy (1920–1989), and postmodern diplomacy. The defining criteria for different phases stem from historical events of greater importance, with which we also back our claim that diplomacy is always in a function of historical situation.¹⁰ One also to point out that there are no clear cut frontiers between various periods of diplomatic evolution. It always happens with a transition, which is, however, obvious enough, to be able to distinct periods among themselves. Hence, we could place this time overview also in a broader historical frame, as follows:

- The first origins of diplomacy were already present in pre-agricultural (primarily hunting) era.
- During the period of late and developed agricultural (pre-industrial) settlements a variety of most important elements of diplomacy were developed (some of them are still irreplaceable in today’s diplomatic practice).
- The appearance of the industrial era correlates with the mid classical diplomacy (bilateral).

⁷ Italics by the author of this paper.

⁸ As we can see, the Convention uses formal legal term »to ascertain«. However, hardly anybody from the diplomatic community would use it in daily work, but prefer to stick to “to observe” instead. We take the same approach in this paper.

⁹ For more indepth on diplomatic functions comp. Sen, 1988: 56-88 and also Wouters et al., 2013.

¹⁰ This finding was developed by Benko (1998:40).

- The major part of the twentieth century correlates with the development of modern diplomacy (multilateral).
- The emergence of information era correlates with the presence of first elements of postmodern diplomacy in the late 20th century.
- The beginning of the 21st century, marked by a progressively increasing globalization, corresponds with postmodern diplomacy.

To sum up, one would say that the change in the development of diplomacy always correlates with the change in the historical development of human society. Diplomacy depends on those changes and is in a function of a given historical and social situation. The same also goes for a concrete form of diplomatic functions and the way they materialize.

For the period of the early diplomacy, one can say that primarily the function of negotiation was mostly present. Tribes and early human societies were primarily negotiating food and water resources as well as territorial boundaries, especially when permanent settlements started to take place. During the period of the Greek city states negotiation in particular during the period of the Peloponnesian Wars were intensively producing peace agreements. During the course of time they were developed in a standard form and structure that is still in use today (preamble, introductory part with definitions of terminology, main part, concluding part with legal claim), what is a remarkable illustration of a diplomatic tool resting on tradition (comp. Benko, 1998:47).

During the period of the Italian city states, when commercial activities in the Mediterranean Sea started to blossom, information gathering related to it was on the rise. This led to the development of protection of interests, i.e. consular relations. Similar focal importance on information gathering appeared after the Peace of Westphalia, when major European powers started with the overseas economic expansion. That kind of information was essential for their success in the international competition. When, basically at the same time, residential diplomacy and two way communication between the sending authority and the diplomatic mission appeared, observing and reporting gained on momentum, substance and frequency. But above all, the function of representation and attending social activities gained on importance significantly, and along it also protocol as a matter of prestige and equal treatment.

With the establishment of the first foreign department within the governmental bureaucracy in France in the late 18th century, diplomatic functions, due to a significant organizational change and advancement in performing foreign relations, consequently started to get more concise and round up approach. With the invention of telephone and telegraph less than a century later, what coincides with the intensive wave of colonization, the need for information grows, but also their availability. When the new means of communication spread, they started to offer more information than diplomats could, at least at the first glance. For a moment it almost looked like as if it were the end of diplomacy, but of course it was not as it wasn't at the end of the following century with a huge increase in means of communication (commercial TV channels, broadcasting events also live, like the First Gulf War, and above all the invention of internet). Within a timespan of a century, the function of observation and reporting witnessed two major shocks, with the latter being a highly structural one. The era of digitalization in diplomacy began.¹¹

¹¹ For a broad, general overview of the course of change in the development of diplomacy see also Cooper, 2013.

Having in mind previously presented historical parameters we produced a table to elaborate the way diplomacy has evolved, the time frame and periods during which this has appeared, the selection of forms and tools diplomacy has had at its disposal as well as how it fit in the broader frame of international relations.

Table No 1 – Periodization of Diplomacy

	Early	Classical	Modern	Postmodern
1.	Till 1648	1648 – 1920	1920 – 1989	1989 and on
2.	Ancient Greek and Medieval Italian city states	Nation state	Nation state and international organizations	Nation state and integration processes
3.	Individuals from emperor's closest vicinity	Permanent diplomatic organization and diplomats	Permanent diplomatic organization and diplomats (MFA)	Permanent diplomatic organization and diplomats (MFA)
4.	Ad hoc missions	Permanent diplomatic missions	Permanent diplomatic missions	Permanent diplomatic missions and proliferation of diplomatic representatives
5.	Instructions at the beginning of the mission and reporting after its closure	Permanent twoway communication between the sending authority and the mission (instructions and reports)	Permanent two-way communication between the MFA and the mission (instructions and reports)	Permanent twoway communication between the MFA and the mission (instructions and reports)
6.	Origins of bilateral and multilateral diplomacy	Bilateral diplomacy	Bilateral and multilateral diplomacy	Bilateral and multilateral diplomacy
7.	Secret diplomacy	Secret diplomacy	Public diplomacy	Public diplomacy
8.	Temporary and indirect communication between emperors	Congresses of emperors (direct communication)	The League of Nations and the UN	The UN, G8, the EU, NATO, various other summit meetings

Source: Jazbec, 2006.

For the purpose of this paper we discuss only the postmodern diplomacy and its characteristics. As already noticeable from the previous table, with some current adjustments, the main are as follows:¹²

- a) Permanent diplomatic organization and diplomatic missions at the receiving authority.
- b) Two way diplomatic communication between the Ministry of Foreign Affairs of the sending state and its missions at receiving authorities.
- c) Additional forms of diplomatic communication and representation.
- d) Cohabitation of national diplomacy, paradiplomacy and integration diplomacy.
- e) New topics on diplomatic agenda (climate change, water, food, diseases etc.).
- f) Proliferation of special diplomacies (military/defense, parliamentary, economic, commercial, public, cultural, celebrity, sport, funeral, police etc.).
- g) Proliferation of various forms of diplomatic representatives (personnel, special, ad hoc etc.), with an increasingly high level (status) of special representatives (dominantly former top politicians).
- h) The ever-changing relations between multilateral and bilateral diplomacy.
- i) Demonopolization of foreign ministries (recruitment of various experts into diplomacy for targeted tasks for limited period of time).
- j) Revival of importance of heads of states and governments (they practically decide about everything).
- k) Constant need for education of diplomats with non-diplomatic topics.
- l) Senior diplomats behave as managers and focus increasingly on coordination of processes.
- m) Preventive diplomacy and protection of individuals.
- n) Dominant influence of globalization on diplomacy, with crucial influence of development of media technology.
- o) Public diplomacy and internet diplomacy, transition to virtual diplomacy.
- p) The use of social media.

Without going into details, one can conclude that these characteristics are primarily different of those of modern diplomacy, as being originally defined with the historical situation from the beginning of the previous century (the end of the World War One, the Versailles Peace Conference, and the establishment of the League of Nations). The current historical situation is determined by globalization, what makes it primarily different and unique in the so far historical development. Additionally, having in mind that classical diplomacy was a reflection of the Eurocentric view upon world affairs and that modern diplomacy presented a significant step towards reflection of universal view on global affair, the postmodern diplomacy is a reflection of integrated and interdependent global affairs, where the question of survival of global community has many different aspects of manifestation.

¹² In its earlier version these characteristics, together with those of classical and modern diplomacy, were for the first time presented in Jazbec, 2006. This version is so far the latest, most updated version.

2. DIPLOMACY AND GLOBALIZATION

To wrap up the view on diplomatic affairs and the frame within which they operate in the early 21st century, we present a few initial remarks on globalization.

This increasingly present and important phenomenon has a long history that goes along with the increasing integration and interdependence of the international community. As such it could be primarily traced from the second part of the 17th century when after the end of the Thirty Years War in Europe its powers started with the overseas economic and colonial expansion. Two hundred years later, with colonialization at its peak and with the already mentioned invention of telephone and telegraph, globalization receives also communication dimension, not only the economical one. During the first part of the previous century globalization is spreading to other parts of human activities towards a universal, interdependent nature. Thirty years after the end of the Cold War globalization has reached the point of an overarching integrated influence with social media as its main driver so far.

It is important to bear in mind that globalization by itself does not possess a specific substance, but is primarily an instrument, a tool that forwards and transmits topics. It is a broad social frame that enables and progressively intensifies processes on a global level, and with this it creates structures and exercises influence as well as the stream of change. The positive or negative effect of globalization does not depend on this instrument as such, but is up to the actor that uses it for its own (positive or negative) purpose.

There would be three sets of influence of globalization on diplomacy that we discuss generally.¹³

Firstly, new topics appear on the diplomatic agenda as the result of the changed historical situation. Maintaining world peace and security, with other words facing the question of survival of the international community, is materialized no longer primarily with classical issues of war and peace, but through climate change, provision of food, water supplies, countering diseases, and similar topics. They all pose a threat to survival and security. Further on, significantly less states fight wars and significantly more states are failed ones, meaning they threat international peace and security not through their aggressive behaviour, but with their lack of administrative, policy and political capacity, i.e. with their operational incapability. As such they attract terrorist groups, organized crime and other actors. At the same time, some of these topics point out ethical aspects of international politics and diplomacy. Project like responsibility to protect, taking care of women and children in armed conflicts, education for children as their human right, and similar prove this. Last but not least, the European integration process with production of values at its core, is another example of this.¹⁴

Secondly, new forms of diplomatic representation take place in the international intercourse. After the ratification of the Lisbon Treaty in 2009, the so far diplomatic activities of the EU have been formalized in the European External Action Service, de facto a supranational form of diplomacy. Along with still existing cases of paradiplomacy they pose a challenge to national diplomacies, both of the EU member states as well as of the third states. Also international

¹³ This topic was presented for the first time in an elaborated manner in Jazbec, 2009:53-56.

¹⁴ For more on this, see Jazbec, 2019.

companies, influential individuals, nongovernmental organizations, and various other non-state actors take part in diplomatic or quasi diplomatic activities.

Thirdly, new approaches to diplomatic work entered diplomacy as an activity and as a profession. Because of an increasing overflow of information that diplomats potentially collect as well as increasing number of sources that provide them, diplomats have to make an increasingly ongoing selection of information and of their sources. Additionally and consequently, the structure and style of diplomatic reporting is changing. Reports are shorter, more focused, dealing with one topic only and should always contain policy recommendation as it is seen from the spot. The latter is becoming increasingly important for the decision makers. Hence, also management of diplomatic work, in particular in diplomatic missions at the receiving authority, demand much higher level of management skills. This even more, since there is a constant inflow of experts in diplomatic work, what broadens the scope of topics discussed as well as the number of diplomatic personnel. The latter is increasingly obvious in the structure and work of permanent missions at international organizations that are becoming bigger and structurally complex. Therefore, nowadays ambassadors are becoming managers.¹⁵ Again last but not least: there is a constant and growing pressure to go public with diplomatic activities. No need to point out that this goes against the very principle and sense of diplomacy in all its aspects.

3. DIPLOMATIC FUNCTIONS IN A GLOBALIZED INTERNATIONAL COMMUNITY

Diplomatic functions as codified in the Convention are a result of centuries long, traditional and not always direct evolution. They encompass on a very general level what diplomats have been exercising and occupied with for centuries as well as what has been broadly defining relations among states and other actors in the international community for millennia. Let us now analyze and comment on a general level each of the functions respectively the way they operate in the current international community that is highly globalized, interdependent and structurally diverse, but interconnected.

Firstly, representing. This function has been generally losing part of its importance. With advanced media devices and operators (in particular on line portals) major part information from various fields about the sending state is available to everybody all the time and everywhere. Pure diplomatic representation in a social, protocol aspect is also losing its allure. Also formal receptions like those for the national day are becoming more relaxed as far as dress code is concerned. The strict following of the precedence is narrowing for mostly highly official events.

Secondly, protection of interest. This typical diplomatic function is getting on importance as a way of offering consular support to citizens of a sending state.¹⁶ As people travel more (in spite of the current pandemics), situations in which they need official state help and protection are on the rise. And also the expectations of those citizens in spite the fact that consular protection is

¹⁵ Rana expresses this trend very clearly with the title of his book: *The 21st century Ambassador: Plenipotentiary to Chief Executive* (2008).

¹⁶ The second diplomatic function is at the same time also the substantial basis from which consular functions were developed. The Vienna Convention of Consular Relations presents them in the Article 5.

basically increasingly limited with international law. This even more having in mind, from consular practice worldwide, that when consular protections is acquired because citizen breach laws of the receiving state, not much could be done. Expectations of bodies of private and corporate law are almost by the rule much higher than possibilities to meet them.

Thirdly, negotiation. To our mind the decisive change has been influenced by the fact that new topics on diplomatic agenda demand recruitment of all sorts of experts that negotiate topics like climate change, infectious diseases and similar, highly complex and detailed. Such knowledge diplomats do not possess and were not meant to (their knowledge and skills are of different, statesmanship sort). This means that a growing number of negotiation is carried on by nondiplomats. One would dare to speculate that within the scope of growing number of negotiated topics, the percentage of involved diplomats is decreasing (but still high in numbers) and of nondiplomats increasing.

Fourthly, observing and reporting. This is the area where selection of sources and information is the toughest one. Influence of social media and fake news is enormous; hence selection has to be well managed, consistent and constant. This even more, since both diplomats on the spot as their colleagues at home can follow the same on line sources of information. This drives diplomats further on to personal contacts at the receiving authority, what should be, as a matter of fact, their primary source of information. Basically speaking, diplomats have to focus on structures of power in the receiving state and the results they produce, to get reliable information and to report thereon to the government of the sending state. But in spite of tremendous supply of information diplomats search for and need, there are still cases of trying to get them by unlawful means. Hence also cases of persona non grata proclamations, following the Article 9 of the Convention still happen. Also security of reporting still remains a highly profiled issue, for both states: for the sending to protect reporting of its missions and for the receiving to unveil the very same.

Fifthly, promotion of friendship. This function is perhaps the least effected by globalization stream. Diplomats have to use each opportunity to maintain, deepen and strengthen friendship between the two countries. Events of all possible sorts are being organized, meetings, discussions, sport activities, academia, literature, art, culture, all these drives relations deeper and closer. The variety and scope depends on the profile of the ambassador (and other diplomats) in question and on sources available.

The way diplomatic functions are being carried on at the receiving authority remains in its principle the same. But due to ta significantly changed historical situation this in the 21st century cannot be in the same way as it was, for example at the time of the origin of modern diplomacy. International relations, circumstances and structures as well as the number of states (and other actors), their influence, power, alliances are highly different. Therefore, it is up to diplomats to exercise diplomatic functions accordingly, and up to their authorities (ministries of foreign affairs) to enable them with knowledge, expertise and tools as well as resources (financial, human resources and technical equipment) that they will be able to carry on these activities efficiently.

CONCLUSION

The aim of this contribution has been to check the way diplomatic functions evolved throughout the development of diplomacy as well as to see how do they operate in the 21st century, within the concept and period of postmodern diplomacy. The current international community is highly integrated, interdependent and in particular globalized. This marks its new historical situation, which, by the rule, in each of its materialization, determines basically the scope, nature and performance of diplomacy.

Diplomatic functions are at the very core of its mission. Being crafted out six decades ago in the Vienna Convention on Diplomatic Relations and evolving through millennia, they remain the same in their message, but changed in a concrete diplomatic *modus operandi*. We point out that the most significant change goes for observing and reporting, while promoting friendly relations was mostly kept intact. Representation is under huge influence of media technology, while negotiation is being effected by increasing recruitment of non-diplomats in diplomatic work, since globalization is bringing new topics on the diplomatic agenda. Protection of interests is under intensive pressure of people, travelling more and more and – consequently – need more of diplomatic protection from which they expect too much, since it is limited by the international law. However, functions of a diplomatic mission remain focal for the understanding, codification and implementation of diplomatic work.

As it is with diplomacy that remains to be an institution of a nation state with a mission to present and defend interests of the sending state as well as to influence foreign policy making of the receiving authority. At the same time diplomacy is also an institution of the international community, which it helps to create and maintain. Although the contemporary international community has reached the highest level of interdependence, structural complexity and interconnectedness so far, diplomatic functions are in a function of pursuing the same mission in a time of a structural change.

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