

# SATOW'S DIPLOMATIC PRACTICE

Sixth Edition



SATOW'S  
DIPLOMATIC  
PRACTICE

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*Edited by*

SIR IVOR ROBERTS

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## PREFACE

Sir Ernest Satow's *Guide to Diplomatic Practice* although first published nearly a hundred years ago remains a masterpiece. The book he wrote in 1917 was no dry collection of facts and legal terms. It was suffused with illuminating, interesting, often whimsical, anecdotes, and wise counsel. Nevertheless, when I was invited to edit the first revised edition for 30 years, I quickly realized that nothing less than radical surgery was required. For diplomacy has changed too much in its practice, if not in its essentials. Satow would find much to amaze him in the conduct of diplomacy but not in the underlying purpose. It is still 'the application of intelligence and tact to the conduct of official relations between the governments of independent states, and between governments and international institutions; or, more briefly, the conduct of business between states by peaceful means' (Chapter 1). But it would clearly be a mistake to try to cling to much in earlier editions which has now been entirely superseded. The team of contributors, a note on whom is at xxix, has been an enormous source of professional expertise, support, and consistently constructive criticism of my and each other's work. It would be invidious to single anyone out. Their respective contributions are to be found in the Note.

The last edition of this book was written 10 years before the fall of the Berlin Wall. It reads very much like a book of its time, reflecting the immediate post-war disposition and still retaining from the original Satow much of the language of traditional diplomacy. A new edition is needed to illustrate how much the world of diplomacy has changed since the last one. I concluded with regret that it would have by and large to depart from the Satow writing style to make it more contemporary and accessible to the practitioners of the twenty-first century.

We have aimed in this new edition to move the focus away from the UK and Commonwealth (in the last edition, the international organization mentioned first after the United Nations is the Commonwealth) and towards a global audience. We hope that it will be considered an indispensable vademecum in every foreign ministry, as a concise and authoritative guide for their legal advisers and diplomats, and more widely for international lawyers and students of international relations. It aims to be in effect a short primer in diplomacy as well as a guide to diplomatic practice, international organizations, and law. It also comes to terms with the fact that English is the 'new' diplomatic language. (It is striking that so many passages in the 1979 edition are in French.)

At the same time, the book reflects the way modern communications have transformed diplomacy. When the last edition came out, the phrase ‘shuttle diplomacy’ had just been invented and summit meetings were still a rarity. Videoconferencing was practically unknown and the Internet, although conceived of, had yet to acquire a public face. At the time communication technology seemed to stretch only to a hotline to prevent nuclear war. Hand in hand with these changes in communications has come the rise in multilateral organizations and networks which makes diplomacy at the foreign ministerial level far more frequent and accessible. First published a year before the Versailles Peace Conference, the original Satow described a world where the only way for the Great Powers to meet was at a major conference lasting weeks and in some cases months. Berlin and Vienna were perhaps the most famous of these conferences in the preceding century. The changes required to diplomatic practice by monthly meetings and weekly conversations of eg EU foreign ministers, thrice-yearly meetings of EU presidents and prime ministers, and regular meetings at ministerial and prime ministerial level in most international organizations need to be documented and the impact on diplomats’ lives and work explained. At the time of writing the world is in the grip of a financial and economic crisis that shows little sign of abating. International organizations and institutions are unlikely to emerge unchanged—some may not survive. But diplomacy and diplomats will still be required. The question which the book asks, and I hope answers, is: what, in the twenty-first century, are diplomats for?

### Arrangement of the Book

Turning to the detail, Book I ‘Diplomacy in General’ needed substantial change. The introductory chapter on diplomacy has been expanded to make it a short history of diplomacy which it is hoped will help beginners orientate themselves in the subject. We dropped a good deal of the historical material on precedence and protocol and emphasized how foreign affairs are no longer the exclusive prerogative of the minister for foreign affairs or the president/prime minister. The chapter on language and forms of diplomatic communication while aiming to be comprehensive also reflects how diplomats communicate today increasingly through email and even texting and rather fewer leisurely *Notes verbales*.

The Books on Diplomatic Agents and Consular Matters have been further broken down into four Books, one on diplomatic relations, a second on diplomatic privileges and immunities, a third on diplomatic missions, and a fourth on consular matters. Most of the material on diplomatic and consular privileges and immunities was rewritten by Eileen Denza for the last edition to reflect the

international conferences in Vienna on these subjects which had taken place in the 1960s and the resulting Conventions. No such major but a fair amount of minor revision has now been called for which she has again provided. Previous chapters on attacks on embassies and kidnapping of diplomats have been combined and expanded to reflect the growth in the scourge of terrorism and the often 'soft' target that embassies and diplomats provide. The last edition was written before the most flagrant breach of diplomatic immunity, the seizure of the US embassy in Tehran in 1979 and the detention of its staff for over a year. Since then, of course, many diplomats have been kidnapped, attacked, and even assassinated. The last edition of Satow has no entry in its index under terrorism.

As multilateral diplomacy and international organizations are at the heart of modern diplomacy, the Book devoted to them has been greatly expanded and given a higher priority in the text. The Book (VI) has substantial chapters on the United Nations and its specialized agencies and subsidiary bodies. Those dealing with economic, financial, and trade matters have now been grouped in a separate chapter which also takes in the work of the G8 and G20. The EU requires two chapters, and other international and regional organizations are incorporated in yet another (very substantial) chapter, such has been the exponential growth of these bodies. A new Book VII deals with peaceful settlement of disputes and the development of international tribunals including the International Criminal Court and the war crimes tribunals. Another new Book (VIII) covers non-governmental organizations (NGOs) and others who compete with conventional diplomats in the crowded international market place of conflict resolution. Book IX revises comprehensively, with contemporary examples, earlier material covering congresses, conferences, treaties, and other international instruments. The last chapter, *Advice to Diplomats*, retains some of the material from earlier editions which is timeless but has been brought into the new century with advice on modern diplomatic practice and a specific section on multilateral diplomacy. It has been important to suggest in my predecessor Lord Gore-Booth's words 'differences in atmosphere and diplomatic technique between bilateral diplomacy in a foreign capital and multilateral diplomacy'.

It is indeed our hope that enough of the original Satow has been retained to give the new reader something of its flavour while satisfying those aficionados of earlier editions. I hope that our extensive use of fresh material will entertain and instruct a new generation of diplomats, academics, students of international relations, and international lawyers and be of practical use to a wider public.

When the last edition of this book was written, Britain had never had a woman prime minister. Since then we have had one, for more than a decade, who saw foreign affairs (but perhaps not diplomacy) as being very much her domain.

*Preface*

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Meanwhile in the US, so often a pace setter in social affairs, three of the four most recent Secretaries of State have been women. Disappointingly, as my predecessor put it, 'the English language has not yet provided a grammatically elegant way of dealing with this change. We have, therefore, used the compromise of occasionally employing the 'he (or she)' formula . . . but its constant repetition would be intolerably tedious'. For this edition, too, to avoid repetition of he/she, the male pronoun has had, very often, to serve both sexes where the plural pronoun 'they' has not been appropriate.

Ivor Roberts  
Trinity College, Oxford  
April 2009

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## BIOGRAPHICAL NOTE ON SATOW

Ernest Mason Satow was born at Clapton, Essex, in 1843. He was the son of a Swedish merchant who had settled in England, and an English lady, Margaret Mason. In his studies at University College, London, he read at an early stage a borrowed copy of Laurence Oliphant's *Narrative of the Earl of Elgin's Mission to China*. This aroused in him a desire to know Asia. In 1861 he came first in an examination for a student interpretership in the Far East. He was assigned to the British Consular Service in Japan.

After a short stay in Peking for Chinese studies, Satow arrived in Japan in 1862, nine years after the 'opening up' of that country by Commodore Perry to foreign presence and commerce. He found himself in the midst of the violent struggle between the partisans of the Shōgun, or chief of government, and the Emperor, which involved constant physical danger to foreign residents in Japan. The victory of the Emperor's party ushered in the great Meiji Restoration period, in which Japan, after three centuries of isolation, assimilated with incredible seriousness and rapidity skills developed during those centuries in the Western world. For over 20 years Satow's linguistic expertise, together with his adventurous travels (including shipwreck off the port of Hakodate) and his personal qualities, gave him a most remarkable position among Japanese of all backgrounds, and contributed greatly to the standing of the British Legation in Tokyo. Satow also started a family with Takeda Kane (1853–1932), his *musumé* (mistress, or common-law wife), with whom he cohabited in Tokyo from the 1870s until his departure from Japan in 1884. They had two sons, the younger of whom came to Britain to study botany some years later.

In 1884 Satow was posted to Siam (Thailand) and subsequently to Uruguay in 1888 ('nothing to do') and Morocco in 1893. But a man with a uniquely expert knowledge of both Chinese and Japanese language and civilization was bound to go back to the Far East, and Satow found himself in Tokyo (1895–1900) and Peking (1900–6), in both places as minister and head of mission. In these last two posts he performed most distinguished service, though, as the years went on, the claims and ambitions of Far Eastern and other powers took the situation out of the control of diplomacy or peaceful foreign policy.

On 25 July 1906, three months before his retirement from the Diplomatic Service, Satow was received in audience by King Edward VII. 'On my going

away,' he recorded, 'His Majesty said that my services would receive recognition. Later in the day came a notice that I was to be sworn a member of the Privy Council.' 'I value it,' he wrote to an old friend, 'more than anything else that could have been given me. It was The King's own idea.'

In 1907 Satow represented Britain at the Second Hague Conference on International Peace. For the rest of his life, he lived quietly at his home in Devonshire, devoting his time to study and writing. He died in 1929, having lived a full and fruitful life as a member of that rare calling, the Scholar-Diplomat. As H W V Temperley put it, 'He wrote various studies on international law and history, and delivered his final message in a work full of practical wisdom, legal acumen and antiquarian knowledge, entitled *A Guide to Diplomatic Practice*'.

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Sir Ivor Roberts  
Oxford

## ABBREVIATIONS

ACABQ	Advisory Committee on Administrative and Budgetary Questions
AJIL	American Journal of International Law
All ER	All England Law Reports
ASEAN	Association of South-East Asian Nations
AU	African Union
BBC	British Broadcasting Corporation
BFSP	British and Foreign State Papers
BYIL	British Yearbook of International Law
CENTO	Central Treaty Organization
CFSP	Common Foreign and Security Policy (of the European Union)
Cmd, Cmnd, Cm	Command Papers. (UK Parliamentary Papers which derive their name from the fact they are presented to the United Kingdom Parliament nominally by 'Command of Her Majesty'. The current series uses the prefix Cm.)
CMLR	Common Market Law Review
COREPER	Committee of Permanent Representatives (of Members of the European Union)
CSCE	Conference on Security and Cooperation in Europe
DGSE	Direction Générale de la Sécurité Extérieure
EC	European Community
ECAFE	Economic Commission for Asia and the Far East
ECHR	European Convention on Human Rights
ECJ	Court of Justice of the European Communities
ECLA	Economic Commission for Latin America
ECOSOC	Economic and Social Council of the United Nations. Also used to refer to the Economic and Social Committee of the EC.
ECR	European Court Reports
ECSC	European Coal and Steel Community
ECWA	Economic Commission for Western Asia
EDC	European Defence Community
EEA	European Economic Area

## *Abbreviations*

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EEC	European Economic Community (now the European Community)
EFAR	European Foreign Affairs Review
EFTA	European Free Trade Association
EHRR	European Human Rights Reports
EJIL	European Journal of International Law
ELDO	European Launcher Development Organisation
ELJ	European Law Journal
ELR	European Law Review
EP	European Parliament
ER	English Reports
ESCAP	Economic and Social Commission for Asia and the Pacific
ESDP	European Security and Defence Policy
ESRO	European Space Research Organization
EU	European Union
EURATOM	European Atomic Energy Community
EUROCONTROL	Name given to the European Organisation for the Safety of Air Navigation
FAO	Food and Agriculture Organization
FCO	Foreign and Commonwealth Office
FRG	Federal Republic of Germany
FRY	Federal Republic of Yugoslavia
GA	General Assembly of the United Nations
GATT	General Agreement on Tariffs and Trade
GDR	German Democratic Republic
HMSO	Her Majesty's Stationery Office
HR	Académie de Droit International de la Haye Recueil des Cours
IAEA	International Atomic Energy Agency
IBRD	International Bank for Reconstruction and Development
ICAO	International Civil Aviation Organization
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICLQ	International and Comparative Law Quarterly
ICJ	International Court of Justice
ICJ Rep	International Court of Justice Reports
ICRC	International Committee of the Red Cross
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the Former Yugoslavia
IDA	International Development Association
IFC	International Finance Corporation

## *Abbreviations*

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ILC	International Law Commission
ILC Yearbook	Yearbook of the International Law Commission
ILO	International Labour Organization
ILR	International Law Reports (Older Reports Annual Digest and Reports of International Law Cases (AD))
IMF	International Monetary Fund
IMO	International Maritime Organization
INMARSAT	International Maritime Satellite Organization
INTELSAT	International Telecommunications Satellite Consortium
IRO	International Refugee Organization
ITLOS	Law of the Sea Tribunal
ITU	International Telecommunication Union
LR	Law Reports
MOU	Memorandum of Understanding
NATO	North Atlantic Treaty Organization
NGO	Non-governmental Organization
OAS	Organization of American States
OAU	Organization of African Unity (now AU see above)
OECD	Organisation for Economic Cooperation and Development
OEEC	Organisation for European Economic Cooperation
OIC	Organization of the Islamic Conference
OJ	Official Journal of the European Union
OSCE	Organization for Security and Co-operation in Europe
PAU	Pan-American Union
PCIJ	Permanent Court of International Justice
QC	Queen's Counsel
RGDIP	Revue Générale de Droit International Public
RN	Royal Navy (UK)
SACEUR	Supreme Allied Commander, Europe
SHAPE	Supreme Headquarters Allied Powers, Europe
SOFA	Status of Forces Agreement
SOMA	Status of Mission Agreement
TEU	Treaty on European Union
TLR	Times Law Reports

## *Abbreviations*

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UKTS	United Kingdom Treaty Series
UNCIO	United Nations Conference on International Organization
UNCTAD	United Nations Conference on Trade and Development
UNEF	United Nations Expeditionary Force
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFICYP	United Nations (Peacekeeping) Force in Cyprus
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund (1946–53 United Nations International Children's Emergency Fund: in 1953 name changed, original acronym retained)
UPU	Universal Postal Union
UNTS	United Nations Treaty Series
WEU	Western European Union
WHO	World Health Organization
WIPO	World Intellectual Property Organization
WMO	World Meteorological Organization
WTO	World Trade Organization

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# BOOK I

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# 1

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## DIPLOMACY—A SHORT HISTORY

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### Definitions

Diplomacy is the application of intelligence and tact to the conduct of official relations between the governments of independent states, extending sometimes also to their relations with dependent territories, and between governments and international institutions; or, more briefly, the conduct of business between states by peaceful means. Although the word, diplomacy, has been in the English language for little more than two centuries, it has suffered from misuse and confusion. While diplomacy is properly the conduct or execution of foreign policy, it is sometimes confused with foreign policy itself. But foreign policy is formulated by government, not by diplomats.<sup>1</sup> In order to carry out its policy, a government manages its international relations by applying not only persuasion but also different forms of pressure. How successful these pressures prove will depend to a great extent on the real power, often now referred to as hard power,<sup>2</sup>

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<sup>1</sup> In popular American usage, the United States Secretary of State is sometimes called a 'diplomat'. But the Secretary, though not a member of the Legislature, is essentially a member of the Administration and not of the Diplomatic Service, so that the description 'diplomat' can be misleading. A similar confusion exists elsewhere. The French frequently refer to foreign ministers as 'le chef de la diplomatie ruritanienne'.

<sup>2</sup> 'Everyone is familiar with hard power. We know that military and economic might often get others to change their position. Hard power can rest on inducements ("carrots") or threats ("sticks"). But sometimes you can get the outcomes you want without tangible threats or payoffs. The indirect way to get what you want has sometimes been called "the second face of power." A country may

behind them. The power must be real, but rather than exercise it explicitly, the government may prefer to keep it in reserve with the implication that in certain circumstances it could be used. Nevertheless, in normal circumstances it will conduct its international intercourse by negotiation, a form of soft power. This is diplomacy. Persuasive argument, if applied skilfully and sensitively at the right time, may achieve a better result than persuasion too obviously backed by the threat of force. The latter may provoke resistance and ultimately lead to war.

- 1.2 The etymology of diplomacy takes us to ancient Greece. The diplomat,<sup>3</sup> says Littré, is so called because diplomas are official documents (*actes*) emanating from princes, and the word ‘diploma’ comes from the Greek *διπλωμα* (*διπλόω*, I fold, fold double). A diploma is understood to be a document by which a privilege is conferred: a state paper, official document, a charter. The earliest English instance of the use of this word is in the year 1645<sup>4</sup> though the now disused form *diplome* was borrowed into English as early as 1610, when it appeared in John Donne’s book *Pseudo-Martyr* (p. 20: ‘If the Pope should write to any of them by the name of Sons . . . it vitiates the whole Diplome, and makes it false’). The meaning here is again ‘official document’. The organization of such documents fell to trained archivists who were the first to be called diplomats, ie those who dealt with diplomas or archives.<sup>5</sup>

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obtain the outcomes it wants in world politics because other countries admire its values, emulate its example, aspire to its level of prosperity and openness. This soft power—getting others to want the outcomes that you want—co-opts people rather than coerces them. Soft power rests on the ability to shape the preferences of others.’ J S Nye Jr, ‘Soft Power and Leadership’ *Compass*, Spring 2004, published by Kennedy School of Government, Harvard University.

<sup>3</sup> Diplomats existed long before the word was employed to denote the class. Machiavelli (1469–1527) is perhaps the most celebrated of men who discharged diplomatic functions in early days. D’Ossat (1536–1604), the Conde de Gondomar (1567–1626), Kaunitz (1710–94), Metternich (1773–1859), Pozzo di Borgo (1764–1842), the first Lord Malmesbury (1764–1820), Talleyrand (1754–1838), and Lord Stratford de Redcliffe (1786–1880) were among the most eminent of the profession in their time. If men who combined fame as statesmen with diplomatic reputation are to be included, the Duc de Richelieu (Cardinal Richelieu, 1585–1642) was in a sense the father of French diplomacy; and Count Cavour (1810–61) and Prince Bismarck (1815–98) enjoyed worldwide celebrity. Outside Europe there were notable ‘pioneer’ diplomats such as Sir Thomas Roe, British ‘lord ambassador’ at the court of the Mogul Emperor Jehangir (1615–18) and Townsend Harris, the first American consul-general in Japan (1855–60) with his remarkable gift for comprehending the psychology of a long-isolated people and Dr Henry Kissinger, who served two US presidents and usually put them in the shade where foreign policy was concerned.

<sup>4</sup> J Howell, *Epistolae Ho-Eliaanae*, (section ii, page 23): ‘the King of Spain . . . was forced to publish a Diploma wherein he dispensed with himself (as the Holland Story hath it) from payment’. See also *Oxford English Dictionary* (2nd edn, Clarendon Press, 1989), vol IV, 695.

<sup>5</sup> This is still reflected in the title at Oxford University of ‘professor of diplomatic’. The current holder, Professor Richard Sharpe, writes ‘Oxford has had a teaching post in diplomatic since 1897. The term itself originates with the founding textbook by Dom Jean Mabillon, *De Re Diplomatica* (The Matter of Diplomas), published in 1681, in which he argued that there were criteria to judge the authenticity or otherwise of the early medieval charters in Benedictine archives. In Mabillon’s

Leibnitz, in 1693, published his *Codex Juris Gentium Diplomaticus*, Dumont, in 1726, the *Corps Universel Diplomatique du Droit des Gens*. Both were collections of treaties and other official documents. In these titles *diplomaticus*, *diplomatique*, are applied to a body or collection of original state papers, but as the subject-matter of these particular collections was what we now call *international relations*, ‘*corps diplomatique*’ appears to have been treated as equivalent to ‘*corps du droit des gens*,’ and ‘*diplomatique*’ as ‘having to do with international relations’. Hence the application also to the officials connected with such matters. *Diplomatic body*<sup>6</sup> now came to signify the body of ambassadors, envoys, and officials attached to the foreign missions residing at any seat of government, and *diplomatic service* that branch of the public service which supplies the *personnel* of the permanent missions in foreign countries. The earliest example of this use in England appears to be in a satirical work *The Chinese Spy* (a translation, published in 1765, of the French work *L’espion chinois* by Ange Goudar): ‘The diplomatic body, as it is called, was at this ball, but without distinguishing itself to any great advantage’ (volume VI, p. 198). Burke, in 1796, speaks of the ‘diplomatic body’, and also uses ‘diplomacy’ to mean skill or dexterity in the conduct of international intercourse and negotiations. The terms *diplomat*, *diplomate*, *diplomatist* (now virtually obsolete) were adopted to designate a member of this body. In the eighteenth century they were scarcely known. Callières, whose book was published in 1716, never uses the word *diplomate*. He always speaks of ‘un bon’ or ‘un habile négociateur’. Disraeli is quoted as using ‘diplomatic’ in 1826 as ‘showing address (adroitness)’ in negotiations or intercourse of any kind (*Oxford English Dictionary*). *La diplomatique* is used in French for the art of deciphering ancient documents, such as charters and so forth. 1.3

## Early History

Diplomacy is in fact, as the Duc de Broglie remarked, the best means devised by civilization for preventing international relations from being governed by force alone. The field in which it operates lies somewhere between power politics and civilized usage, and its methods have varied with the political conventions of each age. There is no lack of evidence that the sending of emissaries to open 1.4

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time many subjects were included under the term diplomatic that would not be now, including numismatics. Palaeography is dealt with separately now, but sigillography (sometimes known by its Greek name sphragistics)—the study of seals attached to documents—is still taught as part of diplomatic. The main purpose is to equip postgraduates in medieval history to deal with raw primary evidence, especially charters, deeds, and government records.’

<sup>6</sup> This use of the expression first arose in Vienna around the middle of the eighteenth century. (Ranke, cited by Holtzendorff, iii. 617.)

negotiations was a common practice among quite primitive peoples and that in many cases their reception and treatment were regulated, even if only in a rudimentary way, by custom or taboo. The origins may go back at least to the Great Kings of the Ancient Near East in the second and possibly even as early as the late fourth millennium, to the cuneiform civilizations of Mesopotamia. The first diplomatic document we possess is a copy of a letter inscribed on a cuneiform tablet sent around 2500 BC from the Kingdom of Ebla to the Kingdom of Amazi about 600 miles away. It was discovered in the palace archives of Ebla by an Italian archaeological team in the 1970s.<sup>7</sup> The Amarna letters discovered in Egypt in 1887 show us a world of quite advanced political interaction among the States of the Near East in the fourteenth century BC. But as Berridge remarks, communications in this period were slow and insecure and the means either messengers or merchant caravans. Diplomatic immunity was nothing more elaborate than the standards of hospitality of the period. By the time of the Greek city states of the fourth and fifth centuries BC a new more sophisticated diplomacy had developed.<sup>8</sup> The city states frequently despatched and received special embassies with due accreditation, who presented their case, sometimes accompanied by a declaration of war, openly before the rulers or assemblies to whom they were sent and relied on a recognized system of diplomatic immunity. Resident missions with local representation were also introduced whose head was known as *proxenos*.

- 1.5 The principles and methods of Greek diplomacy had in fact been developed by the fifth century BC into a recognized system to which much subsequent thinking on the subject owes its origin, and which has provided one of the earliest and clearest illustrations of the difficulty, so familiar to us today, of reconciling efficient negotiation with the processes of democracy. There were epic moments of diplomacy in antiquity. Nicolson highlights the celebrated Conference of Sparta in 432 BC, perhaps the first account of a diplomatic conference. The Conference was called by the Spartans to decide whether or not to go to war with Athens. However an Athenian diplomatic mission or delegation was by chance in Sparta on other unspecified business and was invited to address the Assembly and indeed to remain in Sparta even after a vote by Sparta and her allies had been taken to go to war with Athens. Clearly then it had already emerged that diplomats, as we must call these Athenian delegates, enjoyed some protection and were afforded rights which other visitors from Athens are unlikely to have been granted. Some protocol must already have been in place which governed this inchoate diplomatic procedure. Of course not all activity by these early members of a mission or

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<sup>7</sup> R Cohen in *Innovation in Diplomatic Practice*, Jan Melissen (ed), (Macmillan, 1999).

<sup>8</sup> G R Berridge, *Diplomacy, Theory and Practice* (3rd edn, Palgrave, 2005) 1.

embassy can properly be designated diplomacy. To describe as diplomacy for instance the crude threats of the Athenian envoys to Melos during the Peloponnesian war in exhorting them to surrender to Athenian rule—‘the strong do what they can and the weak suffer what they must’<sup>9</sup>—whatever its modern resonances—would be to sell the craft of diplomacy short.

The Roman contribution to this heritage was characteristic of a people who produced rulers and administrators rather than diplomats, who preferred organization to negotiation, and who sought to impose a universal respect for their own system of law. Yet while their behaviour was often brutal and oppressive, as was perhaps not surprising in the only superpower of their day, they were not entirely without scruple. When one Roman embassy to King Perseus of Macedon duplicitously gulled him into delaying his preparations for war by suggesting that a deal could be struck at Rome, the envoys were criticized by some Romans for their cynical behaviour.<sup>10</sup> 1.6

The Byzantine emperors, on the other hand, although often at pains to elaborate the machinery of diplomatic intercourse, earned this machinery a reputation for complexity and deviousness. And yet as the Byzantine emperors attempted to compensate for their reduced military force by the use of diplomacy, the ceremonial of which was notably ornate, they developed the ancient concept of divide and rule, playing off one group of barbarians against another,<sup>11</sup> often bribing the frontier tribes.<sup>12</sup> They transformed the traditional role of the envoy from a herald or orator who simply set out the emperor’s views, threats, or proposals to the beginnings of the role of the modern diplomat, a trained observer and negotiator attempting to interpret what he saw for his master and to negotiate an accord which approximated most closely to the empire’s interests. Their success in attracting pagans into the Christian orbit was another means of protecting the empire. 1.7

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<sup>9</sup> Thucydides, *The Peloponnesian War*. Translation by Richard Crawley, *The Landmark Thucydides*, Robert Strassler (ed), (Simon and Schuster, 1998) 352.

<sup>10</sup> R Lane Fox, *The Classical World: An Epic History from Homer to Hadrian* (Allen Lane: London, 2005) 327.

<sup>11</sup> H Nicolson, *Diplomacy* (3rd edn, OUP: London, 1963) 25.

<sup>12</sup> Professor T L Hodgkin, in a lecture entitled ‘Diplomacy and Diplomats in the Western Sudan’, made the following comments about non-resident diplomacy in Arab North Africa from the tenth to the fourteenth centuries:

- (i) ‘Most of these embassies would fall, so far as their ostensible object was concerned, into the category which Mattingly [see footnote 12], following and adapting Bernard du Rosier, calls “embassies of ceremony”, to bring presents and letters of congratulation to a Prince on accession or after conquests, to renew friendship, etc.’
- (ii) ‘At the same time, from a more practical standpoint, in most cases these embassies also presumably fall into Mattingly’s other category as “embassies of negotiation.”’ (Quoted from K Ingham (ed), *Foreign Relations of African States* (London, 1974), 9.)

- 1.8 The Venetians undoubtedly learned much from Byzantine example and it was through them that Byzantine diplomatic practice was passed on to the West, but the diplomacy of the Italian city states was essentially a product of the political conditions of the time. As the late Garrett Mattingly<sup>13</sup> demonstrated, Italian Renaissance diplomacy did not spring either from a Greek prototype or ready-made from Italian soil. According to his interpretation the Western and Central European world based itself on the triple concept of the Roman Empire and its tradition of civil law; its successor, the Holy Roman Empire, with its system of Germanic feudal and customary law; and the canon law of the ecclesiastical authority. The centre of faith was the Church of Rome, and the centre of doctrine, the Papacy. The whole formed what was termed the *res publica Christiana*. So long as this trinity formed a credible unity, although of course emissaries (whether styled as agents, procurators, or consuls) were sent to transact business in territories other than their own, there was no formal necessity for accredited ambassadors (*legati*) in the sense in which we understand the term today; and certainly not for resident ones. In fact the thirteenth century canon law authority Gulielmus Durandus gave the definition ‘a *legatus* is anybody sent by another’.

### Renaissance Diplomacy

- 1.9 Nevertheless, as the Middle Ages proceeded, there was rarely concord between Pope and Emperor; the sovereignty of individual states grew as walled cities found they could defend themselves against quite large imperial or papal forces, and credentials of some kind began to be required if an ambassador was to be received by someone regarding himself as holding sovereign power. Even so, growth was by no means logical or tidy and the move to residential diplomacy is hard to identify with precision. While there were isolated examples—for instance the papal representative at the emperor’s court in Constantinople, who was called the ‘apocrisiarius’, often held the post for a number of years—Gregory the Great held it from 578 to 585, before becoming Pope in 590<sup>14</sup>—the institution of a resident embassy seems to date from the second half of the fifteenth century. Outstanding among early long-term resident diplomatic agents was Nicodemo da Pontremoli, sent by Francesco Sforza, ruler of Milan, not in the first place as his representative to the Florentine State, but as his confidential agent to Cosimo de’ Medici, its most powerful citizen. When in 1450 Sforza became Duke of Milan, he furnished his representative with a regular accreditation as ‘orator’ in

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<sup>13</sup> G Mattingly, *Renaissance Diplomacy* (London, 1955) chs I–II.

<sup>14</sup> The current editor is indebted to Professor Larry Siedentop for drawing his attention to this example.

the Florentine republic, and Nicodemo held the post for 17 years. One can readily see how in the closely knit but tensely divided polity of fifteenth century Italy the practice of residential diplomacy, the most important innovation in diplomatic practice, came to be commonly accepted and to evolve its own conventions. It was during the Italian Wars (1494–1559)<sup>15</sup> that the practice spread around Europe, not least because the Italian princes and popes needed good intelligence on what was being planned in terms of their own future in the capitals of the countries most prone to intervene in Italy: Paris, Madrid, and Vienna. In the atmosphere of developing nation states, shifting alliances, and the dynastic struggles for power the resident diplomatic agent was invaluable in keeping his master supplied with information and acting as a barometer to register every evidence or portent of impending change.<sup>16</sup> A quarter of a century later ‘the earliest major work on diplomatic law’<sup>17</sup> appeared. It was written by Alberico Gentili, a Protestant from Le Marche, who fled from the Italian inquisition to find refuge in Queen Elizabeth’s Protestant England in 1580 and became Regius Professor of Civil Law at All Souls’ College, Oxford seven years later. His book *De Legationibus Libri Tres* (1585)<sup>18</sup> discussed, inter alia, the inviolability of ambassadors and the establishment and conduct of diplomatic missions. Gentili also pointed out what might seem surprising for the time: that it was already common to accept ambassadors from states considered by the receiving State to be infidels or heretics. In this he will have been prompted by the fact that only two years before *De Legationibus* was published ‘England’s first permanent embassy to the Muslim empire of the Ottoman sultan was created in Istanbul, where it joined two other Christian embassies . . . those of Venice and France’.<sup>19</sup> However, the wars of religion in the sixteenth and seventeenth centuries so embittered relations between Catholic and Protestant States that for 100 years true diplomacy was well-nigh paralysed by mutual distrust. Ambassadors reported that it was impossible to find out anything, because nobody wanted to talk to them. Christendom appeared to be breaking up and the civilized intercourse essential to good diplomacy suffered a temporary lapse. This very much applied

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<sup>15</sup> A series of wars originally dynastic but later descending into a general power struggle for territory and control involving most of the Italian city states, the Papal States, and the major European actors.

<sup>16</sup> D Frigo (ed), *Politics and Diplomacy in Early Modern Italy* (Cambridge University Press, 2000) 8–9 and 27–31.

<sup>17</sup> E Lloyd, ‘The Development of the Law of Diplomatic Relations’, *British Yearbook of International Law*, vol 40 (1964) 149.

<sup>18</sup> A Gentili, *De Legationibus Libri Tres*. Translated by G L Laing, Classics of International Law (Oxford and New York, 1924; reprinted New York and London, 1964).

<sup>19</sup> G R Berridge, ‘Grotius’ in G R Berridge, Maurice Keens-Soper, and T G Otte, *Diplomatic Theory from Machiavelli to Kissinger* (Palgrave, 2001).

to relations between Catholics and Protestants though channels of communication were still open within the opposing camps.

- 1.10 It was during this period that the ‘Machiavellian’ expedients of spying, conspiracy, and deceit brought the reputation of the resident diplomatic agent to its nadir. *Raison d'état* or what in English is called ‘the end justifying the means’ took unquestioned precedence over morality. The French were early leaders in this field, preferring to work with the Ottoman Turks at the expense of their fellow Christian Habsburgs. Another example of this cynical behaviour, particularly notable as it was practised by a prince of the Church, was the work of Cardinal Richelieu of France who saw his country’s interests as better served by siding with the Protestants in the Thirty Years War (1618–48) than allowing the Holy Roman Empire to extend its borders further and so weaken Louis XIII’s France. Richelieu was only content when his monarch was as powerful, if not more so, than the Holy Roman Emperor however offensive this was to the universalist tradition of the superiority of morality over expediency. No wonder Pope Urban VIII is said to have commented on hearing of Richelieu’s death, ‘If there is a God . . . Richelieu will have much to answer for. If not . . . well, he had a successful life.’<sup>20</sup> Richelieu was of course providing an early example of balance of power politics which were to underpin European diplomacy until the First World War. He was also among the first (in his *Political Testament*) to call for ‘total diplomacy’, in other words, a wide network of diplomatic representation to reflect the fact that most of Europe was intimately interconnected.<sup>21</sup>

## The Origins of Modern Diplomacy

- 1.11 Only in 1648 when the Treaty of Westphalia—which concluded the Thirty Years War—had established a new order of relationships, however precarious at first, could the age of classical European diplomacy (the direct origin of all modern diplomacy) be said to have begun. An observer at that Congress wrote a guide to the diplomatic practice that emerged from it, in some ways an antecedent to the present volume. Abraham de Wicquefort wrote *L'Ambassadeur et ses Fonctions* in prison and published it in French in 1681. Wicquefort’s work identifies ‘the resident ambassador as the principal institutional device for the conduct of foreign affairs’ as Maurice Keens-Soper remarks, and his work provides ‘an actualized concept of the seventeenth-century European states-system . . . at the time

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<sup>20</sup> L Auchincloss, *Richelieu* (New York: Viking Press, 1972) 256.

<sup>21</sup> ‘J’ose dire hardiment, négociier sans cesse ouvertement en tous lieux, quoiqu’on n’en reçoive pas un fruit présent, et celui qu’on peut attendre à l’avenir ne soit pas apparent, est une chose tout à fait nécessaire.’ Cardinal Richelieu, *Testament Politique* (ed. Paris, 1947) 347.

of the Congress of Westphalia . . . [which] set the seal on the transformation of a long divided Christendom into the states-system of the *ancien régime*'.<sup>22</sup> This was diplomacy conducted by members of an avowedly ruling class, who frequently had more in common with each other, across land and sea frontiers, than with the majority of their own people. (The system's elitism helped of course to foster the cohesion of the diplomatic corps.) It proceeded, like the limited wars of the time, according to well-defined rules and civilized conventions. It was personal and flexible, and its style, while not without subtlety, was clear enough for all who took part in it to understand not only what was explicitly said, but what was to be taken for granted. An important contribution to writing on relations between States came from a Swiss lawyer, Emmerich de Vattel, who discussed the application of natural law to international relations in his treatise *Le Droit des Gens* of 1758. The authors of the American constitution were influenced by it, particularly by its focus on liberty and equality, which were echoed in the Declaration of Independence, but also by its defence of neutrality. Vattel too, in discussing the right of maintaining embassies so 'that each Nation possesses both the right to negotiate and have intercourse with the others, and the reciprocal obligation to lend itself to such intercourse',<sup>23</sup> reflected the spirit of the age in his view of embassies as an essential element in the functioning of international society.<sup>24</sup>

It was however the Congress of Vienna which codified more concretely the new world of diplomacy. Its *Règlement* of 1815 established an agreed basis for diplomatic representation including precedence (see also Chapter 4) and effected the recognition of diplomatic services as a distinct profession within the public service governed by its own internationally accepted codes. The settlement at the Congress of Vienna<sup>25</sup> was remarkable in rebuilding an international order broken by the Napoleonic wars. Europe enjoyed its longest sustained period of peace when, from 1815 to 1914, with the exception of the Crimean War, no general war took place among the major protagonists of the Napoleonic Wars, the so-called Great Powers. It did so by constructing a balance of power which was subtle enough to ensure that the threat from French expansionism was contained, yet in a way which was not sufficiently punitive to lead to France resentfully nursing a grievance. Indeed France was rapidly admitted (in 1818) to

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<sup>22</sup> G R Berridge, Maurice Keens-Soper, and T G Otte, *Diplomatic Theory from Machiavelli to Kissinger* (Palgrave, 2001) 89 and 99–100.

<sup>23</sup> E de Vattel, *The Law of Nations*, vol 3, 1758. Translated by C G Fenwick (Washington, 1916), Book IV, Chapter V, 362.

<sup>24</sup> See also Chapter 8, paragraph 8.2.

<sup>25</sup> For a recent full account of the Congress see A Zamoyski, *Rites of Peace: The Fall of Napoleon and the Congress of Vienna* (London: Harper Perennial, 2008).

the Congress system which was to prove a form of proto-European government for the period up to the Crimean War. The British were uneasy at any 'system' which might drag them into continental engagement but the Concert of Europe, as this Great Power system of consensus became known, survived as a concept throughout the nineteenth century and was invoked by Gladstone as late as 1879 during his Midlothian campaign as a principle to be maintained. 'And why? Because keeping all in union together you neutralize and fetter and bind up the selfish aims of each.'<sup>26</sup> Something of the same logic underpinned the creation of the European Communities 70 years later after the Second World War. One of the key documents to emerge from the Congress of Vienna was the Quadruple Alliance of Great Britain, Austria, Prussia, and Russia designed to counteract any nascent French aggression with overwhelming force. As Henry Kissinger comments, 'Had the victors convening at Versailles made a similar alliance in 1918, the world might never have suffered a Second World War'.<sup>27</sup>

- 1.13 In post-revolutionary Europe the ascendancy of new objectives began to eclipse earlier values. Acceptance of an established monarchical order gave way to the growing will to overturn the status quo. The international struggle for power brought into play collective national energies which could be more effectively harnessed by constitutional methods and cabinet government than by the rule of Machiavelli's idealized 'Prince'. Although skill in the classical methods continued to command respect and acceptance, it became evident that diplomacy should now be exercised (or at least appear to be exercised) in the interests, not of a dynasty, nor even of an aristocracy, but of the nation as a whole. Much of this arose from statesmen's realization of the importance of public opinion. Two British statesmen, Canning and Palmerston, thought this a positive rather than a negative development. Nicolson reminds us that '[i]t was mainly for this reason that Metternich described him [Canning] as "a malevolent meteor hurled by divine providence upon Europe"'.<sup>28</sup> Palmerston took an excessively optimistic view: 'Opinions, if they are founded in truth and justice, will in the end prevail against the bayonets of infantry, the fire of artillery and the charges of cavalry'. This proved as much a fallacy in Palmerston's time (Prussia in Schleswig-Holstein) as in the last hundred years. Public opinion failed to prevent wars as disparate as the two World Wars, Vietnam, and Iraq though in the case of the latter two it undoubtedly played a role in bringing the wars to an end.

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<sup>26</sup> Extract from Gladstone's third Midlothian Speech, Tuesday 27 November 1879 at West Calder. <[http://www.liberalhistory.org.uk/item\\_single.php?item\\_id=31&item=history](http://www.liberalhistory.org.uk/item_single.php?item_id=31&item=history)>.

<sup>27</sup> H Kissinger, *Diplomacy* (London: Simon and Schuster, 1995) 83.

<sup>28</sup> Nicolson, *Diplomacy*, 73.

## The End of the Concert of Europe

The First World War was of course the death knell of the Concert of Europe. 1.14 In truth it had been expiring for 20 years. The system of bipolar military alliances (uncannily mirroring the two power blocs that emerged with the Cold War), which had developed in the last decades of the nineteenth century, exposed Europe to the risk that a single incident could prompt a chain reaction leading to a general war. The rise of Prussian, then German, militarism became the threat which by the end of the nineteenth century had entirely replaced a similar fear of French expansionism a century earlier. The system of alliances and the excessive weight given to military planning and timetables undermined any chance that diplomacy might head off what came to be seen as an almost inevitable clash. Along with the disappearance of old Empires and much of the old order, the First World War also brought an end to old or orthodox diplomacy. The new diplomacy which was to replace it was usually vaguely defined but was clearly predicated on a new openness born of faster communications, the increasing power of the press, and a shift in the balance of forces in the democracies from the ruling elites to the governed.

Both before and during the war, the conviction asserted itself that the time was 1.15 ripe for diplomacy to be made more open and more accessible to public scrutiny and appraisal. Diplomats like the Cambon brothers, respectively ambassadors in London and Berlin at the outbreak of the war, articulated this demand as early as 1905<sup>29</sup> as did various pacifist and other anti-war groups. As the cost of the war in terms of millions of dead became clear and as its origins were seen to lie in the failures of the old diplomacy, so the requirement for a new approach became more insistent. The clamour was heard for 'open covenants openly arrived at' in President Wilson's much quoted words. It was natural that electorates claiming to control governments should require to know what agreements were being made in their name and to exercise the constitutional right of accepting or rejecting them (as when the United States Senate in 1919 rejected participation in the League of Nations). Nowadays the openness of agreements is, in principle, guaranteed by the United Nations rule that all agreements concluded by Member States must be registered, and their texts deposited, with the secretary-general.<sup>30</sup> But the problem is that if negotiation is carried on under the public eye—as President Wilson at first appeared to think it should be—it quickly turns into a travesty of efficient procedure and runs the risk of betraying any constructive

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<sup>29</sup> Ibid, 137.

<sup>30</sup> Article 102 of the United Nations Charter.

purpose for which it may have been conceived. By its nature, true negotiation must be confidential. If exhibited, it degenerates into polemic; and this is not diplomacy, it is the continuation of warfare in peacetime by other means. A neat corroboration of this was furnished by Soviet Field-Marshal Shaposhnikov's paradox: 'If war may be said to be the continuation of politics by other means,' [an allusion to the doctrine of Clausewitz] 'then peace, in its turn, is no more than the continuation of conflict by other means'.<sup>31</sup> There is of course nothing new in this. The same thought is implicit in Machiavelli's prologue to his *Art of War*. In such a process of conflict the practice of diplomacy must be presumed to embrace not merely negotiation, but the use of a complex range of moral and psychological weapons. Indeed when Wilson came to negotiate the Treaty of Versailles he clearly abandoned this transparency, the first of his celebrated Fourteen Points (America's war aims, formulated by Wilson before Congress in January 1918), and maintained confidentiality even from lesser allies. All the key decisions were taken by the triumvirate of Wilson, Lloyd George, and Clemenceau (with the Italian Prime Minister, Vittorio Orlando, the largely ineffective other member of the key body, the Council of Four) who paid scant regard to the views of others. This may be considered an early example of summitry (discussed further below) though the original intentions in assembling such a substantial cast list were very different.<sup>32</sup> The Germans and their allies were, unlike the French at Vienna, completely excluded, as were the Russians. To have excluded the two strongest nations in continental Europe was alone enough 'to have doomed the Versailles settlement'.<sup>33</sup>

## The League of Nations

- 1.16 The failings of the Treaty of Versailles have been discussed exhaustively and this is not the place to rehearse them further. But in one area at least it provided the germ of an idea which after a false start would take root. The new diplomacy had, beyond its requirement for openness, a yearning for an international organization to settle disputes and deter those who sought to impose their will by force. In its faltering steps towards world government (the League of Nations), the Versailles Conference changed the nature of diplomacy decisively even if another World War had to intervene before this became apparent. The League of Nations was first proposed—ironically given Britain's obsession hitherto with balance of

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<sup>31</sup> Quoted by Garthoff in *La doctrine militaire soviétique* (Paris, 1956) 4.

<sup>32</sup> For the best recent account of the Versailles Conference see M Macmillan, *Peacemakers* (John Murray, 2001).

<sup>33</sup> Kissinger, *Diplomacy*, 231.

power politics—by the British Foreign Secretary, Sir Edward Grey, to President Wilson's personal adviser, Colonel House, as far back as 1915. Wilson made the idea his own and presented it first in May 1916. It then became one of his Fourteen Points, and Wilson pursued the idea at Versailles with characteristic eloquence and vigour.

But the League was emasculated by the US failure to ratify the Treaty and by the non-participation of Germany (excluded till 1926, and then withdrawing in 1933) and Soviet Russia (which was a member only for the years 1934–9, when it was expelled). Its limitations were demonstrated by its failure to impose sanctions on Japan in 1931 after its invasion of Manchuria, its response to Haile Selassie's famously pathetic and personal plea to the League for justice and assistance (equally pathetic), and its failure to act when Hitler occupied the Rhineland, in direct contravention of the Versailles Treaty. Collective security, the very purpose of the League, was hopelessly undermined. The failure of the League to prevent the slide into the Second World War as Hitler and Mussolini treated it with rank contempt marked the temporary eclipse of the new diplomacy. The alliances and pacts, the territorial acquisitiveness, and the suppression of self-determination, all features of the old order, returned with a vengeance. Once the war was over, however, there was a clearly recognized need to create a new international organization to replace the League and to be significantly different in its basic design. 1.17

## **The Cold War, Containment, and Détente**

The shape of the post-war world was however not set by a world forum but by a series of summit meetings of the three Allied leaders, Roosevelt, Stalin, and Churchill at Tehran and Yalta and of Truman, Stalin, and Churchill then Attlee at Potsdam. Churchill foresaw that Stalin, the ultimate apostle of *Realpolitik* would never trade the Red Army's gains for abstract principles and proposed instead that each of the Allies should have its sphere of influence. This was anathema to Roosevelt as a return to discredited balance of power and colonial politics which US public opinion would never support. Roosevelt, who famously described the Soviet leader as having something of a Christian gentleman about him, did not live to see the final unmasking of Stalin's bad faith as he took as his sphere of influence the whole of Eastern Europe and Germany to the Elbe. Thus, until the fall of the Berlin Wall and the collapse of the Soviet Union in 1989, new and old diplomacy coexisted. East and West were grouped in two mutually antagonistic alliances while a new world body, the United Nations, struggled to fulfil its potential. The West attempted to deal with the Soviet Empire and Communist China by a policy of containment which lasted 40 years. Containment as a policy 1.18

was first articulated by the American diplomat George Kennan. In what became known as the ‘Long Telegram’, Kennan brilliantly analysed Soviet motives and political perspective: they were, he said, an unholy combination of Communist ideology, traditional Russian insecurity, and Tsarist expansionism. To deal with this threat, the West needed ‘a policy of firm containment, designed to confront the Russians with unalterable counter-force at every point where they show signs of encroaching upon the interests of a peaceful and stable world’.<sup>34</sup>

- 1.19 But containment was very much a policy for the long haul, reactive and predicated on the eventual collapse or transformation of the Soviet system. The Communist threat was not of course monolithic. When the US began to take advantage of the ideological split between the two Communist mammoths, the Soviet Union and China, in the early 1970s, President Nixon demonstrated his attachment to old balance of power politics by daringly opening up US contacts with Communist China and providing a triangularity among the three major nuclear Powers which had hitherto been absent. At the same time Nixon initiated the policy which became known as *détente*<sup>35</sup> with the Soviet Union. For Kissinger, the architect of this and so many other aspects of Nixon’s foreign policy, ‘*détente*, desirable though it was, could not replace the overall balance of power’.<sup>36</sup> In other words, it flowed from equilibrium and was not a substitute for it. This Sino-Soviet-US geostrategic triangle with the US in pre-eminent position was, as Otte points out, ‘precisely the kind of policy for which he [Kissinger] had praised Metternich and Bismarck in his earlier academic writings’.<sup>37</sup> In fact while Kissinger’s conceptual approach to diplomacy was traditional, his practice was highly innovative. Given the limitations of nineteenth century means of transport, neither Metternich nor Bismarck would have been able to follow Kissinger’s practice of diplomacy even if they had wanted to. But Kissinger’s use of back-channel and shuttle diplomacy were remarkable. Kissinger as an academic had always been allergic to bureaucracy. His and Nixon’s institution of back-channels, early on in the latter’s presidency, stemmed from the need for secrecy both to prevent their radical foreign policy initiatives being undermined by State Department leaks and to ensure that opposition to his enthusiasm for linkage, negotiating on a broad front, was stymied. Kissinger himself put it more prosaically. His use of back-channels was designed to open up potentially blocked channels without completely sidelining the State Department. Once the back-channels ‘gave hope of

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<sup>34</sup> ‘X’ (G F Kennan), ‘The Sources of Soviet Conduct’, *Foreign Affairs*, vol 25, no 4, 581.

<sup>35</sup> An easing of tension between the two opposing post-World War II blocs by use of diplomacy and confidence-building measures.

<sup>36</sup> T G Otte, ‘Kissinger’ in G R Berridge, Maurice Keens-Soper, and T G Otte, *Diplomatic Theory from Machiavelli to Kissinger* (Palgrave, 2001) 195.

<sup>37</sup> *Ibid*, 196.

specific agreements, the subject was moved to conventional diplomatic channels. If formal negotiations there reached a deadlock, the Channel would open up again.<sup>38</sup>

Kissinger used back-channel or secret diplomacy extensively in his time as US National Security Adviser, initially to implement the policy of détente with the Soviet ambassador in Washington, Anatoly Dobrynin, through what ‘Kissinger called “the Channel” used over and over again . . . on every key problem in Soviet-American relations’.<sup>39</sup> Later he used a back-channel with Le Duc Tho of North Vietnam in an attempt to bring the Vietnam War to an end. Kissinger added a new word to the diplomatic lexicon in being an early proponent of shuttle diplomacy, whereby the intermediary in a conflict shuttles backwards and forwards repeatedly between the parties in conflict or in dispute to secure the desired result. Of course this type of diplomacy is not guaranteed to succeed, as General Alexander Haig found when attempting to mediate between Argentina and Britain during the Falklands War in 1982, but Kissinger’s style and energy often secured results, on occasions because he had worn down the resistance of the opposing sides. As Hamilton and Langhorne put it, ‘his mediation in the wake of the [1973] Yom Kippur War constituted a dazzling display of how modern technology could be harnessed to a diplomacy which was at once spectacular, secret and ministerial’.<sup>40</sup>

## Multilateral Diplomacy

Although Kissinger’s theory and practice of diplomacy were highly individualistic and born partly out of impatience with traditional bureaucratic diplomacy, another form of diplomacy has flourished in the post-war period. The multilateral approach has become increasingly common post-1945. Such a practice can be said to have its roots in antiquity. In an attempt to stop the feuding and warfare, the principal Powers in the Eastern Mediterranean, ie the important Greek states and Persia, ‘agreed to convene great international political congresses . . . to discuss a general settlement of outstanding issues’. This general peace, known as the King’s Peace, involved eight congresses between 392 and 367 BC and ‘not only established a territorial stalemate, with guarantees against an aggressor similar to those which later figured in the Covenant of the League of Nations . . . they

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<sup>38</sup> H Kissinger, *The White House Years* (Boston and London, 1979) 138.

<sup>39</sup> W Bundy, *A Tangled Web, The Making of Foreign Policy in the Nixon Presidency* (London and New York: I B Tauris, 1998) 57.

<sup>40</sup> K Hamilton and R Langhorne, *The Practice of Diplomacy* (London and New York: Routledge, 1995) 226.

also agreed on certain general principles . . . and on detailed practical rules of conduct for regulating international affairs'.<sup>41</sup> In modern times, large-scale conferences took place infrequently in the eighteenth and nineteenth centuries (Vienna and Berlin being major examples from the nineteenth century). In the twentieth century, the Versailles Conference set a precedent which has been followed ever more frequently since the Second World War despite the view of some sceptics who see such conferences as largely talking shops. (Paul Cambon believed that 'a conference which includes more than four or five people . . . can achieve nothing worthwhile'.)<sup>42</sup> This view has its adherents but there can clearly be advantages to a multilateral conference in terms of efficiency and speed of decision-making. This does not necessarily apply to a standing multilateral conference like the UN or other international organizations which are not time-limited. But a conference will almost certainly be the best forum for decision-making and reaching agreements where it has a deadline, is subject-specific, and/or where technical details are involved and the national experts assembled in one place. Berridge points out that multilateral conferences, particularly major standing ones like the UN, provide an opportunity for principals to meet in the margins to discuss other issues including bilateral ones, a particularly valuable opportunity for those states which have no or very poor diplomatic relations. They can also 'kick start a series of essentially bilateral negotiations that subsequently develop elsewhere. This was the extremely valuable function performed for the Arab-Israeli bilateral talks by the Geneva Conference of December 1973 and then by the Madrid Conference in October 1991.'<sup>43</sup> The proliferation of international and regional organizations so prevalent in the 1960s and 1970s (partly a function of the greatly increased number of independent states who saw in these organizations an opportunity for exerting influence) has levelled off now. But multilateral diplomacy's advantages will ensure that it survives despite the frequent echoes of Cambon's put-down. (Multilateral diplomacy and international and regional organizations are discussed extensively in Book VI below.)

## Summitry and Modern Diplomacy

- 1.22 Both bilateral and multilateral diplomacy can be and frequently are carried out at the highest, that is to say at summit, level. An important definition is that of David Dunn who emphasized that they were meetings between those who 'by

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<sup>41</sup> A Watson, *Diplomacy: The Dialogue between States* (Methuen, 1982) 87.

<sup>42</sup> J-F Blondel, *Entente Cordiale* (Caduceus Press, 1971) 40.

<sup>43</sup> Berridge, *Diplomacy*, 155.

virtue of their position . . . are not able to be contradicted by any other individual'.<sup>44</sup> The word 'summit' was first used to describe meetings at this level in a speech in 1950 by Churchill ('a parley at the summit') but the practice, like multilateral diplomacy itself, has ancient roots. In the Middle Ages most diplomacy was carried out at summit level, often by kings and princes of neighbouring States. As the practice of resident diplomats became established in the sixteenth century, so summitry went into relative decline. As Geoffrey Berridge points out this was not just because of resident missions 'but because meetings between princes had in fact rarely proved fruitful; they were also dangerous'.<sup>45</sup> (A visiting sovereign if recognised as such would of course enjoy immunity.)<sup>46</sup> The practice enjoyed a renaissance in the nineteenth century and 'underwent a resurgence after 1914, fostered by the democratisation of diplomacy and the belief that issues of war and peace were too important to be left to professionals'.<sup>47</sup> The speed of international travel has seen the practice mushroom in the last 30 years. For some this has been the end of diplomacy, as the makers of foreign policy take it upon themselves to execute it. But that is a superficial assessment to which we shall return. Summits as originally conceived by Churchill were infrequent and involved only a handful of the most important people on the planet. The practice is now so widespread that it is possible to identify different types.<sup>48</sup> The first category is the serial summit, which is part of a regular institutionalized series, examples of which are the European Council, G7/G8 meetings, ASEAN, Arab League, Commonwealth Heads of Government (CHOGM), and Franco-German summits. Details of these will be found in Chapters 25 and 28. As can be seen many of these are linked to international organizations and can constitute a court of highest appeal when disagreements between members cannot be resolved at a lower level. The second type of summit is an ad hoc summit often set up to deal with a crisis or break the ice between States whose relations have been poor or non-existent. The meeting in Paris in 1971 between Heath and Pompidou which led the way to British entry into the EEC or Nixon's meeting with Mao in Beijing in 1972 were prime examples. Although the substance is often important, the symbolism of the meeting itself may be even more significant and it will undoubtedly tend to attract more publicity than a serial summit. The last kind is the high-level exchange of views. This least ambitious type of summitry is nevertheless extensively used, particularly by leaders undertaking a tour of a region. They may hope

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<sup>44</sup> D H Dunn, *Diplomacy at the Highest Level* (Basingstoke: Macmillan, 1996) 17.

<sup>45</sup> Berridge, *Diplomacy*, 174.

<sup>46</sup> See Chapter 2, paragraph 2.2.

<sup>47</sup> J W Young, *Twentieth-Century Diplomacy* (Cambridge University Press, 2008) 115.

<sup>48</sup> Berridge, *Diplomacy*, 180.

to get to know their opposite number however superficially and may be able to advance some issues which have been blocked.

- 1.23 The dangers of summitry are not always appreciated by its practitioners. Being high-profile events, expectations of them are often raised and the risk of failure greater. As Dean Acheson, the former US Secretary of State said, ‘When a chief of state . . . makes a fumble, the goal line is open behind him’.<sup>49</sup> Personal chemistry may work to make the occasion a success but if the chemistry works to repel rather than attract the results will at best be meagre and the process best left to the diplomat to pursue. Sometimes they can be dominated by ceremonial and appear to be more exercises in publicity-seeking, all froth and no substance, than breakthroughs in diplomatic negotiations. The most successful summits are those which have been meticulously prepared, a requirement where the professional can be expected to come into his own. Whatever their shortcomings, summits and the accompanying media circus are now a permanent feature of diplomatic topography. The diplomat must learn to exploit a summit as an opportunity to buttress his own efforts and not to view it as an occasion which will diminish his own authority.
- 1.24 If a diplomat no longer has a controlling monopoly in carrying out diplomatic tasks, part of the competition now comes not just from presidents, prime ministers and other ministers in terms of direct contact with the leaders of the country to which he is accredited, but from paradiplomacy and track two diplomacy, (track one being the traditional work of and by professional diplomats). Track two diplomacy is always effected by unofficial and often informal non-governmental actors. Examples include non-governmental organizations (NGOs), humanitarian organizations (eg Médecins sans Frontières), religious institutions (eg the Sant’Egidio community), academics, former government officials (eg the Carter Center), and think tanks, among others. (Track two diplomacy is discussed further in Chapters 32 and 33.) Paradiplomacy can involve actors from sub-national or sub-state bodies such as the Canadian provinces, the Australian States, the Basque country, Catalonia, or the Scottish and Welsh executives. Track two actors who assist, support, and complement the work of traditional diplomats may also be described as paradiplomats. But many track two actors may be in conflict or competition with national representatives.

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<sup>49</sup> Acheson also reflected on the difficulties caused by open or what he called ‘new mass’ diplomacy. ‘The basic anomaly that struck one was the vast separation that existed between the few with the responsibility and capability for taking whatever action might be necessary and the many not only willing but eager to prescribe what that action should be and how it should be managed.’ D Acheson, *Present at the Creation*, 1969 (New York: WW Norton and Co) 704.

If the diplomat has to compete in such a busy market place, has the role of a diplomat been superseded, rendered superfluous? Certainly if the marketplace of diplomacy has become busy, it has also expanded. The 1960s and 1970s saw a growth linked to the decolonization process. But the collapse of communism and the continuing vigour of nationalism also gave rise to a substantial expansion in numbers of independent states in the last 20 years. No independent state feels it has truly reached that status unless it has a network of diplomatic missions to fly its new flag in foreign countries and at the United Nations. The growth of international organizations and the need to staff them has also contributed, as has the broadening of many embassies' remit to take in work in economic and trade spheres while traditional consular sections and consulates have had to deal with an exponential growth in world tourism and immigration. While summitry has on occasions displaced the ambassador from prime position 'even the most energetic leader could not be in two or more places at once. Prime ministers and special envoys relied on ambassadors to pave the way for successful visits abroad, just as foreign ministers needed embassies to keep them informed about other countries' negotiating positions ahead of multilateral talks.'<sup>50</sup> A distinguished British diplomat, Christopher Ewart-Biggs, who was assassinated in Dublin by the IRA, wrote of the Paris embassy's support for an EEC summit '... one doesn't reach the Summit without a base camp. The base camp was this Embassy.'<sup>51</sup> It is the modern diplomat's task to man that base camp and occasionally perhaps to bask in the reflected glory of those who reach the summit. Less glamour than in diplomacy of old but no lack of fulfilling tasks to execute.<sup>52</sup>

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<sup>50</sup> J W Young, *Twentieth-Century Diplomacy*, 227.

<sup>51</sup> J Ewart-Biggs, *Pay, Pack and Follow* (Weidenfeld and Nicolson, 1984) 161.

<sup>52</sup> For a regularly updated discussion of the theory and practice of diplomacy, see <<http://grberridge.diplomacy.edu/>>.

