

## THE ART OF DIPLOMACY IN THE CONTEXT OF CONTEMPORARY INTERNATIONAL RELATIONS

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### **Abstract:**

*While considering the issues associated with diplomacy it can be stated that its establishment in the context of international relations is a key element. However, in the description of international interactions diplomacy represents just one of the aspects in this area. This paper presents the information concerning the theory of international relations as a scientific discipline dealing with the cultural, economic and political reality. It clarifies who the participants of international interactions are, what interactions come into play and which methods, tools and techniques can be employed to achieve the set objectives. In the contemporary international arena relations between the states are being manifested in numerous forms and, therefore, the knowledge of the basic modi operandi used by their diplomatic service representatives is an essential aspect leading to the resolution of potential disputes and conflicts.*

### **Keywords:**

*multilateral diplomacy, international relations, diplomatic protocol*

## INTRODUCTION

At present, relations with foreign countries are subject to meticulous legal control exercised by the state. Therefore, not so much is left to chance in these relations. However, legal or political regulations do not provide for everything. They represent the external forms of organising the relations and reactions occurring in the international arena. Inside, however, diplomatic instrumentation is used, responsible for friendly relationships, or on the contrary, between those taking part in international relations. Diplomacy cannot be seen or touched. It comprises numerous elements, which only



after combining them into the whole can play a crucial role in the foreign service of the state. Empirical properties and features of diplomatic activities can be verified only during the meetings, conferences, missions or receptions of the participants of the international arena. The initial associations and assessments are formed through direct contact with the representative of the given state. Through this person the foreign/different culture, history and tradition can be encountered for the first time. A contemporary diplomat carries a huge burden of responsibility, related to and resulting from the representation of the country and its interests. The diplomat's appearance, behaviour, good manners, knowledge and experience are of great importance. However, in establishing foreign relations it is not only the diplomat as a person that matters. The employed methods, tools and techniques are also important.

## 1. THEORY OF INTERNATIONAL RELATIONS

“International relations” is the term used to define both a given social reality and a scientific discipline dealing with this reality. Hence, international relations can be considered as a scientific discipline or as the cultural, economic and political reality<sup>1</sup>.

“International relations embody the entirety of influences (political, economic, cultural, etc.) with regard to foreign countries, taking place in the international system between its respective participants, represented by organised entities (states – being sovereign entities and others – being non-sovereign entities) taking conscious actions in relation to their foreign states with the specified objective: to establish or change a certain state of affairs in the international environment, and, while doing so, respecting the principles and rules of conduct in the international environment (legal, political, moral) or striving to create the new ones”<sup>2</sup>.

The theory of international relations has three main meanings. In the first context the theory of international relations is a part focusing on international relations; a subdiscipline, such as, for example, the history of international relations, the study of international organisations, the international law, participants of international relations and their mutual relationships, etc. In the second meaning it is a set of assumptions, categories and laws used for describing, explaining and also anticipating a specific type of phenomena occurring in international relations. In the third meaning the theory of international relations is considered as a set or sets of common assumptions for more than one theory in a narrow sense. In this understanding the theory of international relations is a framework, a guide and also a model for conducting research on these relations<sup>3</sup>.

International relations form a set of such components as:

- participants, who can be divided into state and non-state actors;
- the content of the relations occurring between them – i.e. the intentional and organised activity of the participants of the international relations arena;

<sup>1</sup> R. Zenderowski, *Stosunki międzynarodowe. Vademecum*, Wrocław 2006, p. 15.

<sup>2</sup> R. Zenderowski, *Stosunki międzynarodowe. Vademecum*, Wrocław 2006, p. 25.

<sup>3</sup> T. Łoś-Nowak, *Współczesne stosunki międzynarodowe*, Wrocław 2008, p. 19-21.



- principles and rules of conduct – legal, moral and political – that determine international relations<sup>4</sup>.

International relations occur between the entities (participants) of international life. States are the most significant ones among them, as in the light of international law they also represent the primary subjects of international law. Concurrently, they are participants of the international reality. Despite the formal equality between states their value as subjects of international life is not equal. This diversification results from constituent elements of the state, i.e. its territory, population and polity (meaning both political and economic systems). Therefore, a wide range of states emerges, varying from superpower to dwarf states and from democratic to the completely totalitarian ones. However, all these states fall into one category and form a pluralistic community of states with respect to their mutual interactions in international relations. Along with the development of international relations, the activity of non-state actors has increased in the recent decades. They are international entities having the capacity to enter into agreements and to produce international legal effects. Thus, with regard to some issues, they appear as almost equal to states. Among these entities international organisations deserve attention: the supranational ones, for example the European Union, transport corporations, business corporations or international movements. They exert a strong impact on international politics and relations. Their activity extends the area of international relations, through the inclusion of new spheres and levels of life, and also new societies. Thus, both states and non-state actors create a specific international community. Within this community specific structures, institutions and international systems are developed<sup>5</sup>.

## 2. INTERACTIONS BETWEEN PARTICIPANTS OF INTERNATIONAL RELATIONS

In the sphere of international relations it can be stated that international interests are based on the needs. Interests play an important role in the formulation of objectives, and these, in turn, serve as a guide in undertaking a specific international activity. When international interests are brought into focus, the relation between participants of international relations and their mutual interactions with assets, values and conditions of the surrounding reality are important. An interest can be understood as a need that induces participants to take action to satisfy it. Thereupon, the following types of international interests can be distinguished:

- interests of the worldwide system of international relations, e.g. worldwide peace and security;
- interests of respective states;
- interests of supra-regional systems of international relations, e.g. the system established during the Conference on Security and Cooperation in Europe (CSCE);

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<sup>4</sup> R. Zenderowski, *Stosunki międzynarodowe. Vademecum*, Wrocław 2006, p. 15-16.

<sup>5</sup> E. Haliżak, R. Kuźniar, *Stosunki międzynarodowe. Geneza, struktura, dynamika*, Warszawa 2006, p. 21-22.



- interests of regional systems of international relations such as the EU;
- interests of participants of international relations occurring inside the state, especially when they are developed inside the state and their objectives are coordinated on an international scale<sup>6</sup>.

The proper development and course of international relations as well as the harmony of interests of their participants need to be controlled and any contradictions have to be resolved before they result in international crises or conflicts. It must be observed, however, that the convergence of interests does not consist in their identicalness. In reality, diversity cannot be avoided and it triggers spontaneous rivalry between participants<sup>7</sup>.

Actions taken by participants of international relations can be divided into indirect and direct influences. The former include presenting the standpoints of specific participants of the forum, exchanging views, negotiations, exerting pressure using peaceful means and persuasion. These are indirect influences as they do not shape the international sphere directly, being carried out by intermediaries. Direct actions comprise exercising control, giving orders, moulding or enforcing. However, they are usually, provided that favourable conditions exist, questioned or rejected by the subjects of such actions. Direct actions encompass also the use of armed force against another state or threatening with the use of such force, which includes, for example, armed intervention, the occupation of the whole or a part of another state's territory, armed demonstrations, the use of direct fire, delivery of an ultimatum or acts of terrorism. Another group of direct influences comprises all kinds of manipulation of means (which can be in the form of tangible or intangible assets), representing the goods indispensable for a given subject, which manifest themselves in suspending or breaking economic or political relations, cutting off the supply of gas, suspending the free movement of people or making threats. The third and last group includes secret intelligence actions comprising the infiltration of the state apparatus, defaming and bribing politicians, controlling the activity of political parties, subversive actions, organisation of coups d'état and sabotage<sup>8</sup>.

It can be concluded that both indirect and direct actions are the forms of activity of different subjects. They cannot be attributed to only one group of participants. A statement can be ventured that although various subjects take direct measures (e.g. the UN with the states, terrorists, criminal organisations, transnational corporations), these are the states that resort to them most often. They are used, predominantly, by the strong against the weak<sup>9</sup>.

<sup>6</sup> W. Malendowski, Cz. Mojsiewicz, *Stosunki międzynarodowe*, Wrocław 2000, p. 49.

<sup>7</sup> Z.J. Pietraś, *Pojęcie i klasyfikacja ról międzynarodowych*, Lublin 1989, p. 67.

<sup>8</sup> E. Haliżak, R. Kuźniar, *Stosunki międzynarodowe. Geneza, struktura, dynamika*, Warszawa 2006, p. 110-111.

<sup>9</sup> E. Haliżak, R. Kuźniar, *Stosunki międzynarodowe. Geneza, struktura, dynamika*, Warszawa 2006, p. 112.



## 1.2. Manifestations of international relations

As mentioned earlier, the dynamics of development of international relations drive the evolution of forms in which they manifest themselves. Among their positive forms the following can be distinguished:

- international negotiations, which represent a special form of manifestation of international relations and, concurrently, are a specific form of negotiations as such. International negotiations can be considered as a “soft” form of making deals between participants of international relations<sup>10</sup>;
- alliances – there are several features that diverse alliances have in common. The first one is the summing up of resources of each member of a given alliance, i.e. increasing the possibilities of each of the members by adding another actor’s or actors’ resources to his potential. The second feature is a common interest of the members of the alliance<sup>11</sup>. Another feature that can be distinguished is an orientation towards the future. It means that by forming an alliance states prepare for the occurrence of circumstances that can possibly pose threats to them. The fourth feature is the fact that most of alliances are formed against other states. Military cooperation is another characteristic of the majority of alliances<sup>12</sup>;
- international conferences – they represent an institutionalised form of international contacts. They also serve as an elementary instrument in bi- and multilateral diplomacy. Conferences include meetings of government representatives, organisations or people from more than two states<sup>13</sup>;
- international regimes – according to Stephen Krasner they form a set of, expressed directly or indirectly, “principles, norms, rules, and decision-making procedures around which actor expectations converge in a given issue-area”<sup>14</sup>.

As in any kind of relations and contacts between two or more subjects, disputes and conflicts can arise. It can be reasonably stated that they result most often from opposing interests and objectives, different views or a desire to secure a stronger position or a better or more comfortable existence. They lead to conflicts, disputes, wars or even organised crime and international terrorism. The issue of war and peace has been analysed for a very long time. Despite the progress made in this area an unambiguous explanation for the phenomenon of international violence has not been found. Conflicts would follow one after another, develop, expand and differentiate with respect to

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<sup>10</sup> Ibidem , pp. 135-136.

<sup>11</sup> T. Łoś-Nowak, *Współczesne stosunki międzynarodowe*, Wrocław 2008, p. 145.

<sup>12</sup> Ibidem, p. 146.

<sup>13</sup> A. Ciupiński, *Dyplomacja wielostronna*, Warszawa 2003, p. 65-66.

<sup>14</sup> S.D. Krasner (ed.), *International Regimes*, Ithaca-London 2003, p. 45.



their nature, scope and objective. At present, they also occur and assume different forms and characteristics<sup>15</sup>.

It is assumed that a dispute is the situation where objectives and interests of two parties are contradictory and where the states are aware of it. They make precise and mutually contradictory claims against each other. A dispute is “a state of relations between two or more participants of international relations, a situation where the parties take the clearly opposing positions [...] A dispute means also a lack of agreement, a conflict of opinions regarding some right or factual circumstances or opposing legal positions or interests between two parties”<sup>16</sup>.

In literature the terms “dispute” and “conflict” are often used interchangeably. However, there is some difference between the two. A conflict means that a dispute has entered a fiercer phase. At this stage the international dispute turns into the escalation of claims and threats are intensified. Afterwards (if the contentious issue has not been resolved peacefully with the use of diplomatic means, see section 4), the phase of preparing to a war/armed conflict ensues, and the war is the last stage of the conflict, being an attempt to resolve the dispute by force (by deploying regular military units)<sup>17</sup>.

International disputes (pursuant to the international law) can be divided into disputes which may threaten international peace and security and ordinary disputes which do not pose such threat. This division, apparently trivial, is highly significant, since the UN Security Council may take action and interfere with a dispute only in the first case<sup>18</sup>.

The phenomenon of wars has accompanied mankind from time immemorial. A war is often defined as the state of relations between countries after they broke the peace and entered a state of war. A specific state is considered to be a state of war when states are the parties involved in the war, a state of war was declared, diplomatic relations were broken off and acts of warfare took place; the war is considered to be finished at the moment the peace is made, which is the beginning of peace relations<sup>19</sup>.

In the history of international relations the tendency to realise interests has been strongly marked. Violence and force have often been superior to diplomatic means in achieving one's objectives. This tendency has given rise to numerous armed conflicts: wars and all kinds of armed confrontations, including counteracting foreign domination, occupation or racial oppression. Such conflicts include, among others, armed interventions in Korea in the years 1950-1953 or against Iraq in the years 1990-1991. It can be observed that both past and contemporary experience shows that wars cause demographic shortages, unsettle the systems of education and culture and disrupt the normal development of a society. They lead to the destruction of the national heritage

<sup>15</sup> Ibidem, p. 460.

<sup>16</sup> M. Żmigrodzki, *Encyklopedia politologii, tom V Stosunki międzynarodowe pod red. T. Łoś-Nowak, A. Florczak*, Warszawa 2010, p. 546.

<sup>17</sup> R. Zenderowski, *Stosunki międzynarodowe. Vademecum*, Wrocław 2006, p. 479-480.

<sup>18</sup> Ibidem, p. 484-485.

<sup>19</sup> T. Łoś-Nowak, *Współczesne stosunki międzynarodowe*, Wrocław 2008, p. 159.



and memorabilia and generate psychic trauma, which significantly hinders the development of normal diplomatic relations<sup>20</sup>.

Terrorism is one of the forms of political violence. Or, to put it in other words, it is politically motivated violence directed against non-combatant or symbolic targets, most often to give a message to the broader public<sup>21</sup>. Thence, terrorism is a specific form of psychological manipulation and communication, based on violence, between terrorists and their audience, effected through random victims<sup>22</sup>.

It can be stated that the transformations affecting the contemporary world system render terrorism an increasingly useful tool for fighting in asymmetric situations. Previously, the significance of terrorism on a global scale was justly regarded as marginal. At present, however, the terrorist campaigns of Salafists-jihadists (Al-Qaeda and the so-called associated organisations in particular) are completely different in their nature. It is no longer a detached element in the international order, but it represents a separate strong formation, or, as observed by H. Munkler, "it has developed into self-dependence as a strategy, transforming from an ancillary tactical tool into a terrorist war, waged worldwide and without any self-restraint regarding the choice of victims"<sup>23</sup>.

In the opinion of the thinker Samuel P. Huntington, the main reason for conflicts and disputes, in times past and times to come, lies in civilisational and cultural differences around the world. Their main criterion was the dominant religion. He claims that the conflicts waged both in the 1990s and at present can be explained by a model of civilisational and cultural conflicts. The clash of civilisations – that is his term for the wars in, among others, Kosovo, Chechnya, Iraq or Afghanistan. Furthermore, in his opinion the future wars will also be waged based on civilisational divisions.

It should be emphasised that, at present, it is the most important and broadly discussed theory, which attempts to explain the processes occurring on the contemporary international arena<sup>24</sup>.

### 3. INFLUENCE OF DIPLOMACY ON THE SHAPE OF THE STATE FOREIGN SERVICE

The role of diplomacy, including also the Diplomatic Protocol, being one of the diplomatic tools, is to shape a peaceful situation in international relations. Polyvios Dimitrakopoulos<sup>25</sup> said, "Where ends diplomacy, the war begins". Therefore, certain questions arise, such as: How? Where? Which methods and tools are employed by the representatives of the nations to avoid a war and to resolve conflicts and disputes? Who

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<sup>20</sup> Ibidem, p. 265.

<sup>21</sup> M. Kaldor, *Byle do wojny*, "Gazeta Wyborcza", 5-6 II 2000, p. 16-17; J. Kranz, *Użycie siły zbrojnej – nowe fakty i tendencje*, "Sprawy Międzynarodowe" 2006, No. 3.

<sup>22</sup> T. Łoś-Nowak, *Współczesne stosunki międzynarodowe*, Wrocław 2008, p. 70-171.

<sup>23</sup> T. Łoś-Nowak, *Współczesne stosunki międzynarodowe*, Wrocław 2008, p. 173-174.

<sup>24</sup> Z. Leszczyński, S. Sadowski (ed.), *Suwerenność państwa we współczesnych stosunkach międzynarodowych*, Warszawa 2005, p. 160-178.

<sup>25</sup> Polyvios Dimitrakopoulos (1864–1922) – Greek poet, dramatist and publisher.



are they? Why have they been chosen to represent the state? What are their tasks and duties? Is diplomacy indispensable?

Foreign policy is one of the central notions in the science of international relations. It is a specific form of the state's behaviour within the defined international system framework, i.e. with regard to other states, but also with regard to other non-state actors of the international arena. It has been observed that a foreign policy is "a process of formulating and realising interests with regard to other participants of international relations. Therefore, it is a given subject's action with regard to its foreign countries, undertaken with the assumption that certain objectives will be achieved with the use of appropriate means and methods"<sup>26</sup>.

In the 19<sup>th</sup> century, foreign policy was identified exclusively with diplomatic activities. It was perceived as the art of communication between states or a certain type of instrument handled by a diplomat, and not as a complex process which could provide the knowledge of needs, interests and objectives of the state<sup>27</sup>.

Foreign policy understood as the state's action directed with regard to other states is not only the manifestation of its own interests, but also the result of actions taken by other states and related interactions. Namely, each change in the course of action of one state makes it necessary for the other state to take a position on such change and verify the rationality of its own actions. It is important to be aware of the fact that, to a considerable extent, actions taken on the international arena result more frequently from its actors' intuition than from the analysis of the facts. Therefore, the assumption adopted by many authors that the foreign policy of a contemporary state is the process of rational thinking of its decision makers seems to be correct. Furthermore, it is not one of the detailed policies, such as the cultural, economic or social policy, but it is rather the other side of the internal affairs policy, as respective detailed policies have their foreign extensions<sup>28</sup>.

Important elements of foreign policy include its strong interdependence with the international environment, the global character of its connections, the presence of supranational subjects, and also the dynamic and changeable scope of its operation<sup>29</sup>. It is worth adding that the process of formulating the state's foreign policy is difficult and responsible, as it may influence the future of the state.

J. Frankel defines foreign policy as actions and decisions taken in international relations, whereas W. Wallace understands foreign policy as the area of the state's political behaviours, providing a bridge between the state's internal affairs and its international environment<sup>30</sup>.

<sup>26</sup> R. Zenderowski, *Stosunki międzynarodowe. Vademecum*, Wrocław 2006, p. 467.

<sup>27</sup> Ibidem.

<sup>28</sup> W. Malendowski, Cz. Mojsiewicz, *Stosunki międzynarodowe*, Wrocław 2000, p. 75-76.

<sup>29</sup> T. Łoś-Nowak, *Współczesne stosunki międzynarodowe*, Wrocław 2008, p. 75.

<sup>30</sup> S. Kietliński, J. Spyra, *Polityka zagraniczna a służba zagraniczna i dyplomacja*, [in:] J. Kukułka, R. Zięba, *Polityka zagraniczna państwa*, Warszawa 1992, p. 86.





Foreign policy should be understood as the state's organised effort, directed outside and subordinated to the achievement of the state's interests. This effort manifests itself in the shaping of the state's external environment (creating and supporting favourable relations and situations and preventing and eliminating unfavourable situations). This is the simplest description of objectives and interests of foreign policy<sup>31</sup>. Obviously, each subject, a participant of international relations, creates its own goals and interests, however, all of them have the same main objective, namely, to derive the maximum possible benefits for one's own state and to minimise losses.

Methods for implementing a foreign policy were presented by Teresa Łoś-Nowak, who distinguished between diplomatic and non-diplomatic methods, often described as positive and negative. Negative methods include:

- enforcement, which means inducing to take specific actions that a given state would not be willing to take to protect its own national interest;
- determent, in opposition to enforcement, means the exertion of influence on a given state to make it abandon a specific action;
- threat of using force, still considered to be an important element of negotiations, is often defined as “gunboat diplomacy”. It comprises such means as the lifting of an embargo or other privileges and forms of aid;
- use of force, as in the case of the threat of using force alone, is also referred to as “gunboat diplomacy” and has the same characteristics, including in addition an armed attack against another state<sup>32</sup>. The purpose of contemporary gunboat diplomacy is to “injure” or “weaken” another state by depriving it of its means necessary to achieve its objectives.

Positive methods comprise:

- negotiations;
- persuasion.

“The influence ladder” is another classification presented by K.J. Holsti. He distinguished six different methods, including:

- persuasion;
- promise of a reward;
- reward as a proof that it is worth following specific suggestions;
- threat of using force;
- manipulation with the threat of using force;
- use of force.

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<sup>31</sup> E. Haliżak, R. Kuźniar, *Stosunki międzynarodowe, Geneza, struktura, dynamika*, Warszawa 2006, p. 122.

<sup>32</sup> T. Łoś-Nowak, *Stosunki międzynarodowe. Teorie, systemy, uczestnicy*, Wrocław 2006, p. 276.



The last element of the above ladder means a complete failure in the process of looking for diplomatic means to resolve a dispute or conflict.

The means of implementing foreign policy, similarly to its methods, can be divided into:

- positive and negative (diplomatic and non-diplomatic);
- economic and commercial;
- military;
- political.

The selection of appropriate methods and means in foreign policy is of particular importance and often plays a key role. The means and methods can be conducive to achieving specific goals, whereas their inappropriate selection and use may hinder such achievement, and, consequently, produce the results that are contrary to the intentions<sup>33</sup>.

### 3.1. Diplomacy as an instrument of foreign policy

At present, diplomacy is identified with the state's foreign policy. It is verbalised by using such phrases as "the position of the French diplomacy ..." or "the Russian diplomacy seeks to ...", which are understood as the position of France on a specific issue or efforts made by Russia.

Diplomacy is an instrument by means of which states articulate and implement their foreign policy in foreign relations. In this sense diplomacy is a kind of composition, formed by, among others, organisation, legal grounds, procedures and methods of action, staff and financial means. This composition is supervised by the minister of foreign affairs and the ministry. The minister defines the main assumptions for the state's foreign policy and is responsible for and supervises the fulfilment of (short- and long-term) objectives and tasks, resulting from the adopted assumptions<sup>34</sup>.

The notions "diplomacy" and "foreign policy" are inseparable, however, they are not synonymous. The state's foreign policy is to be understood as a set of objectives and methods and means used to fulfil the state's external function, and this fulfilment takes place in the diplomatic, economic, military and ideological areas. Diplomacy itself is the basic form of the state's operation abroad. Therefore, as it can be observed, the notion "diplomacy" has a scope narrower than that of a foreign policy. The latter represents the state's external strategy for operation, while diplomacy is a certain kind of tactics consisting in identifying problems and, then, selecting the methods and means for their resolution, thus fulfilling the objectives of foreign policy. Therefore, it is an instrument/tool of foreign policy<sup>35</sup>. In line with this approach the notion "diplomacy" consists of the following elements:

<sup>33</sup> T. Łoś-Nowak, *Stosunki międzynarodowe. Teorie, systemy, uczestnicy*, Wrocław 2006, p. 278.

<sup>34</sup> E. Haliżak, R. Kuźniar, *Stosunki międzynarodowe, Geneza, struktura, dynamika*, Warszawa 2006, p. 130.

<sup>35</sup> W. Malendowski, Cz. Mojsiewicz, *Stosunki międzynarodowe*, Wrocław 2000, p. 51.



- formal official activity of the state, directed outside. Its purpose is to fulfil the objectives of foreign policy and also to secure the interests and rights of the state and its citizens by negotiating and entering into international agreements;
- methods which require tact, caution, cleverness and the ability to work out compromises. Therefore, “diplomacy” is also referred to as the science or art of negotiating with foreign states and representing the state in international relations;
- organisational apparatus as well as people who carry out this activity.

Owing to these three elements a unique definition has been developed, stating that diplomacy is the official activity of the state, represented internationally through its agencies, the objective of which is to fulfil the foreign policy assumptions by negotiating and entering into international agreements. The diplomatic activity thus defined has two purposes: national and universal. The national purpose focuses on the protection of interests and the maintenance of security of the state and its citizens, while the universal one concentrates on the development of peaceful international relations by resolving conflicts of interests arising between members of the international community<sup>36</sup>.

Primary forms of diplomacy:

- Special missions – divided into short-term and *ad hoc* missions, whose task was to represent the state sending a mission;
- Permanent diplomatic missions – their establishment necessitated the development of the diplomatic law, including: procedures, etiquette, diplomatic privileges and immunity, the order of precedence and rules of courtesy, and also the formation of internal agencies of the state, coordinating the activities of permanent foreign missions;
- Diplomatic conferences – held as conventions of established *ad hoc* diplomatic missions, attended by diplomats and experts provided with powers of representation and instructions<sup>37</sup>.

The development of diplomatic forms followed the worldwide development of societies. However, it did not result in the disappearance of the then existing forms of diplomacy, but its new forms emerged, adapted to the new reality requirements. Diplomacy was no longer conducted occasionally and, as a continuous process, it has become a profession practised by specialists in the field. Along with the diversification of international relations the forms of diplomacy have differentiated into:

- traditional diplomacy, conducted through permanent diplomatic missions;

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<sup>36</sup> W. Malendowski, Cz. Mojsiewicz, *Stosunki międzynarodowe*, Wrocław 2000, p. 52-53.

<sup>37</sup> *Ibidem*, p. 54-56.



- *ad hoc* diplomacy, conducted through people sent abroad to complete a specific task;
- conference or parliamentary diplomacy, conducted at international conferences convened *ad hoc* or on the forum of standing sessions of international organisations<sup>38</sup>.

When summarising the development of diplomatic forms, two conclusions can be drawn. The first one that diplomacy has evolved from bilateral relations (permanent diplomatic missions and special missions) to multilateral diplomacy (international conferences and organisations), and the second one that *ad hoc* diplomacy has transformed into permanent diplomacy.

The Vienna Convention on Diplomatic Relations, held in 1961, specifies diplomatic functions as examples, using the term *inter alia* (Latin for ‘among others’) in Art.3, listing the following as the most important ones:

- representative function, understood as the essence of diplomacy, which consists in representing the sending state as a subject of international law in the host state. The representative function encompasses a wide range of diplomatic activities, called *démarches*, i.e. a set of “diplomatic steps” or “endeavours”. They include addresses, presentations of the position of the government or interventions on specific issues;
- informational function, which is also referred to as the function of political representation. It is performed by collecting information, assessing it and submitting such information to the sending state. To put it in simple words, a diplomat is the “eye and ear” of his/her government, a keen observer and an efficient interpreter<sup>39</sup>;
- promotional function, which is often associated with the representative function. However, while the representative function is rather passive in nature and it emphasises the presence of the sending state in the host state, the promotion of culture, science, tradition and art of the sending state requires intense activity, ingenuity and knowledge of some marketing rules<sup>40</sup>;
- negotiating (parleying) function, derived from the primary diplomatic behaviour. These are parleying and negotiating that precede the establishment of diplomatic relations;
- provision of diplomatic care for state citizens, which forms an element of diplomatic protection of citizens. It is one of the oldest and least popular institutions of the public international law. States rarely resort to this function

<sup>38</sup> W. Malendowski, Cz. Mojsiewicz, *Stosunki międzynarodowe*, Wrocław 2000, p. 58.

<sup>39</sup> I. Gawłowicz, *Międzynarodowe prawo dyplomatyczne – wybrane zagadnienia*, Warszawa 2011, p. 133-134.

<sup>40</sup> *Ibidem*, p. 134.



(as they are unwilling to jeopardise their good bilateral relations), which is governed mainly by international custom and practice<sup>41</sup>.

### 3.2. State agencies in international relations

States, understood as legal persons, may acquire rights and incur obligations on the international arena exclusively through natural persons, i.e. agencies of the state. They are authorised to act on behalf of the state pursuant to the constitution or other acts. The first group of these comprises internal agencies, also referred to as central agencies. They include:

- head of state;
- parliament;
- government;
- head of government;
- minister of foreign affairs;
- minister of foreign trade;
- other ministers<sup>42</sup>.

Taking into account the fact that the minister of foreign affairs represents the state in international relations, his/her statements are fully binding on the state. The minister is responsible for directions of the foreign policy before the parliament or the head of state. As the superior of the diplomatic service staff (also called the head of diplomacy) he/she gives them orders and instructions. The minister as well as the prime minister and other ministers, during their stay abroad, are protected by immunity and enjoy privileges extended to diplomatic representatives<sup>43</sup>.

The structure of the Ministry of Foreign Affairs includes departments handling bilateral relations with countries from respective regions. They include, among others:

- Department of Europe – West;
- Department of Europe – East;
- Department of North and South Americas;
- Department of Africa, Asia, Australia and Oceania.

Within the above departments there are sections responsible for respective countries, for example for the Arab world. Furthermore, there are also departments focused on specific international issues and multilateral relations, among others:

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<sup>41</sup> I. Gawłowicz, *Międzynarodowe prawo dyplomatyczne – wybrane zagadnienia*, Warszawa 2011, p. 136-140.

<sup>42</sup> W. Malendowski, Cz. Mojsiewicz, *Stosunki międzynarodowe*, Wrocław 2000, p. 59.

<sup>43</sup> *Ibidem*, p. 59-60.



- European Integration Department, responsible for relations with the European Community and the integration between Poland and Europe;
- Security Policy Department, with its sections responsible for the OSCE, NATO, Western European Union, Arms Control and Analyses and Information;
- Department of the United Nations System (Poland's membership of the UN and its specialised organisations: UNESCO, FAO, WHO and participation in the UN peacekeeping missions);
- Study and Planning Department, responsible for analysing and projecting Poland's strategic foreign policy;
- Department of Economic Relations.

There are also some functional departments, such as:

- Consular and Emigration Department, coordinating the operation of the Polish consulates worldwide. It has separate sections for handling visas and passports, assistance for expatriates, organisation, legal and consular matters and inheritance;
- Promotion and Information Department;
- Law of Treaties Department;
- Diplomatic Protocol<sup>44</sup>.

The Diplomatic Protocol of the Ministry of Foreign Affairs performs the role of the state protocol in the Republic of Poland. It establishes or confirms the general protocol rules to be applied by the state and self-government administration in their relations with foreign partners and the local diplomatic and consular corps.

The whole of diplomatic activity, and some other additional activities, can be attributed to the state's external agencies. These are:

- diplomatic missions (permanent, *ad hoc*, special);
- diplomatic representative;
- missions to international organisations;
- consular offices;
- military missions;
- commercial representation and information centres.

A diplomatic mission is the state's external agency for handling international relations. The main characteristic of such missions is the location of their headquarters within the territory of the foreign state, called the host state. The functioning of diplomatic

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<sup>44</sup> C. Ikonowicz, *Protokół Dyplomatyczny i Organizacja Służby Zagranicznej RP*, Warszawa 1997, p. 59-61.



missions is defined by the active right of legation, i.e. the ability of the state to send its own diplomatic missions to other countries, and the passive rights of legation, i.e. the ability to receive foreign diplomatic missions within the state's own territory.

The diplomatic representative is the formal superior of the diplomatic post staff. The staff include diplomatic personnel (counsellors, secretaries, attachés), administrative and technical personnel and mission service staff. The host state may consider any member of the mission to be *persona non grata*, as a result of which such member has to be recalled by the sending state<sup>45</sup>.

The Vienna Convention of 1961 establishes the division of the heads of diplomatic missions into the following three ranks:

- a) Ambassadors or nuncios, i.e. representatives of the Holy See, accredited to the head of state (these are the so-called first rank representatives of a given state);
- b) Envoys extraordinary, ministers plenipotentiary and internuncios, accredited to the head of state (the second rank representatives);
- c) Chargé d'affaires, accredited on the basis of letters of introduction issued by the minister of foreign affairs of the host state (the third rank representatives).

The Vienna Convention defines also the tasks to be fulfilled by a diplomatic mission, the way of opening and closing the mission, changes in the staff of the mission, obligations of the host state and the sending state, diplomatic privileges and immunity.<sup>46</sup>

The heads of missions and the diplomatic staff of the permanent diplomatic posts in a given country form the so-called diplomatic corps. The Dean of the Diplomatic Corps is the diplomatic representative with the highest rank in a given state (the longest-serving ambassador in a given state). In the countries where papal nuncios are stationed, the function of the Dean is performed by them (among others, Poland and Spain), and the longest-serving ambassador is the Vice-Dean<sup>47</sup>.

Missions to international organisations represent an important form of diplomacy. In their role they are similar to permanent diplomatic missions. Their functions include representation of the sending state before the organisation, negotiations and communication between the state and the organisation. Missions to organisations are accredited to a given organisation and not to the state within whose territory the given organisation has its head office.

Consular offices are the state's external agencies which represent the state to the limited extent in comparison with permanent diplomatic missions. Consuls are officers sent abroad for a permanent residence to protect the interests of their respective states and their citizens. Consuls perform specific administrative and economic tasks. The following are distinguished: General Consulates headed by a Consul-General, Consulates headed by a Consul, Vice-Consulates headed by a Vice-Consul and Consular

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<sup>45</sup> W. Malendowski, Cz. Mojsiewicz, *Stosunki międzynarodowe*, Wrocław 2000, p. 61-62.

<sup>46</sup> W. Malendowski, Cz. Mojsiewicz, *Stosunki międzynarodowe*, Wrocław 2000, p. 61-62.

<sup>47</sup> G. Michałowska, *Mały słownik stosunków międzynarodowych*, Warszawa 1996, p. 31.



Agencies headed by a Consular Agent. It is an important aspect that states can maintain consular relations, even if they have no diplomatic relations.

Military missions are tasked with the supervision over the performance and compliance with specific international agreements and the observation of their implementation. There are also military missions of advisory or instructional nature. Such missions include, among others, armed forces contingents, military units stationed in another state pursuant to agreements during peacetime, warships and their commanders during official visits abroad, supervisory missions, military delegations sent to other states (usually they perform the role of special diplomatic missions). An attaché is, in the strict sense, the representative of military missions. It can be assumed that an attaché is the equivalent of an ambassador, with the function being performed in the military context.

Military affairs are handled in Poland also by the Department of Military Foreign Affairs. The Military Protocol Section is a unit responsible for foreign contacts. The structure of the section is as follows:

- a) Head of Section (commissioned officer – Colonel);
- b) Chief Specialist (civilian employee);
- c) Senior Specialist (commissioned officer – Lieutenant Colonel);
- d) Senior Specialist (commissioned officer – Lieutenant Colonel);
- e) Senior Specialist (commissioned officer – Lieutenant Colonel);
- f) Senior Specialist (civilian employee);
- g) Specialist (commissioned officer – Major);
- h) Specialist (civilian employee);
- i) Inspector (civilian employee).

Commercial representations and information centres are other foreign agencies that are not classified as diplomatic missions. Commercial representations are subordinated to the ministries of foreign trade and form a part of permanent diplomatic missions<sup>48</sup>. In the Polish practice these are most often offices of commercial attachés located at foreign posts, reporting to the minister of foreign trade. Their tasks include representation of the state's commercial interests, providing assistance to Polish enterprises operating on the territory of a foreign state, participation in fairs and exhibitions and promoting the development of tourism. Information centres form a part of legations and embassies and their purpose is to collect, store and process the information from and about the state in which they are stationed.

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