

INTERNATIONAL LAW AND DIPLOMACY

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In loving memory of my parents

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INTRODUCTION

It is a daunting task to write a book on diplomacy and international law for two primary reasons: (a) that the perception still exists that diplomacy can be conducted without any heed to the principles of international law; and (b) that to many it is not useful to relate the relevant principles of international law to diplomacy, particularly when diplomacy in the contemporary period is predominantly based on the domination of the strong over the weak.

This author's position is simple; diplomacy must pay attention to the principles of international law and apply them, where necessary. In other words, there is an intricate relationship between diplomacy and the principles of public international law. Thus, a diplomat, in addition to being familiar with the basics of international politics, history, geography, languages, customs etc must be conversant with the principles of public international law.

Diplomacy has a chequered history; most of which is about resolving conflicts. It has been explained in this work that diplomatic interaction between States during its early years took place primarily for two purposes: (a) interaction for economic, including trade relationship; and (b) conflict resolution through third parties.

It is pertinent to mention that the history of diplomacy is paved with the history of warfare; and this has become evident particularly until the days of the League of Nations.

It is unfortunate that during the period of the UN, diplomacy has been operated in some respects in the old-fashioned way – the diplomacy of warfare, which, in fact, defeats the whole objectives of true diplomacy. The series of warfares during the UN period, El Salvador, Grenada, Iraq, Kosovo, Nicaragua and Viet-Nam, and, of course, Arab-Israeli conflict, to name but a few, remind one of the failures of diplomacy or what may be called pro-war diplomacy, which runs counter to the philosophy of the UN.

The matrix of diplomacy of warfare and that of peace are different; diplomacy of peace is more difficult than the diplomacy of warfare; the latter is primarily based on military tactics. Diplomacy of peace requires a comprehensive ingenuity, knowledge and foresightedness on the part of diplomats. Whereas diplomacy of warfare is based on “*might*”, diplomacy of peace requires the power to negotiate, which requires skills, knowledge and a purpose which would lead to lasting friendship.

Economic diplomacy is a major part of diplomacy of peace. Mutual economic benefits form a significant part of foreign policy making. It is economic ties with countries that form real friendship, and minimise the incidence of warfare.

Bearing some such issues in mind, this work, in addition to discussing some general issues of diplomacy, namely, history, a general discussion of the Vienna Convention on Diplomatic Relations, 1961, the Vienna Convention

on Consular Relations, 1963, the Foreign Office, etc., attention has been paid to certain controversial issues too, namely, bargaining power, ethics in diplomacy and the kind of training a diplomat in the contemporary world may need.

In writing this work, reliance has been placed upon primary sources of information; secondary sources of information have been referred to where necessary.

For the convenience of the reader the texts of the Vienna Convention on Diplomatic Relations, 1961, and the Vienna Convention on Consular Relations, 1963, together with their Optional Protocols, are reproduced in the Appendices, starting on page 317. For this the author gives due acknowledgement and thanks to the United Nations Publications Board, New York, NY 10017, USA.

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