AN APPRAISAL OF THE EFFICACY AND COMPATIBILITY OF INTERNATIONAL LAW IN DIPLOMATIC PRACTICES

Paul NWALA

Abstract

The Essence of this paper is to examine the efficacy of international law in diplomatic practices among states and non-states actors in international relations in the conduct of their foreign affairs. The paper argues that while international law lays down the rules of how nations or actors in international relations behaves, it is through diplomacy their cordial or conflicting interests are managed in such that incidents capable of breaching international law and subject to litigation or armed conflict can be resolved. The relationship and complementarity between international law and diplomacy has been seen as a veritable instrument through which if often utilized, would result in peaceful conduct of foreign affairs and co-existence, cooperation, resolution of disputes and prevention of armed conflict in the world. While international law can only be invoked in terms of dispute settlement through litigation, diplomacy is aimed at prevention of such dispute from occurrence and when such occurs. It also strives to manage it in such a way that it does not degenerate into armed conflict and pose a disastrous security threat. Through interrogation of relevant primary and secondary sources, the paper contends that application of international law and diplomatic practices would enhance world peace and security maintenance. It concludes that international law and diplomacy like the same wine in different bottles can be applied in resolving conflict and settlement of dispute since it takes diplomatic approach to enforce international law when breached, and it also takes international law to accord legal backing to diplomatic resolutions.

Keywords: Efficacy, International Law, Diplomatic practices, Peace, Security

Introduction

This study examines the efficacy of international law in the practice of diplomacy and also established inseparable roles that both played in international disputes resolution and fostering of mutual relationship among international legal personalities or actors involved in the conduct of international relations. Diplomatic practices which could also be referred to as diplomacy is the practice of conducting negotiations between representatives of states or groups, so as to influence the decisions and conduct of foreign governments through dialogue, negotiation and other non-violent means. Diplomacy at times is confused with foreign policy but the terms are not synonymous. It is often said that diplomacy is the chief but not the only instrument of foreign policy which is set by political leaders through diplomats (in addition to military and

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Paul NWALA is a Ph.D holder with the Department of International Relations and Diplomacy. The West African Union University Institute, Akpakpa, Cotonou, Republic of Benin.

intelligence officers), may advise them while foreign policy establishes goals, prescribes strategies and sets the broad tactics to be used in their accomplishment (Elmer, 1973).

It may employ secret agents, subversion, war or other forms of violence as well as diplomacy to achieve its objectives. Diplomacy is the principal substitute for the use of force and underhanded means in statecraft; it is how comprehensive national power is applied to the peaceful adjustment of differences between states. It may be coercive (i.e backed by the threat to apply punitive measures or to use force) but it is overtly nonviolent. Its primary tools are international dialogue and negotiation, primarily conducted by accredited envoys (a term derived from the French word envoye, meaning "one who is sent") and other political leaders. Most diplomacy is conducted in confidence though both the fact that it is in progress and its result are almost always made public in contemporary international relations.

The purpose of diplomacy is to strengthen the state, nation or organisation; it serves in relation to others by advancing the interests in its charge. To this end, diplomatic activity endeavors to maximize a group's advantages without the risk and expense of using force and preferably without causing resentment. It habitually but not invariably, strives to preserve peace; diplomacy is strongly inclined toward negotiation to achieve agreements and resolve issues between states. Even in times of peace, diplomacy may involve coercive threats of economic or other punitive measures or demonstrations of the capability to impose unilateral solutions to disputes by the application of military power. However, diplomacy normally seeks to develop goodwill toward the state; it represents nurturing relations with foreign states and peoples that will ensure their neutrality. When diplomacy fails, war may ensue; however, diplomacy is useful even in times of war. It conducts the passages from protest to menace, dialogue to negotiation, ultimatum to reprisal and war to peace and reconciliation with other states. Diplomacy builds and tends the coalitions that deter or make war. It disrupts the alliances of enemies and sustains the passivity of potentially hostile powers. It contrives war's termination and it forms, strengthens and sustains the peace that follows conflict. Over the long term, diplomacy strives to build an international order conducive to the nonviolent resolution of disputes and expanded cooperation between states (Copeland, 2007). Therefore, the trust of the paper is clearly to depict how international law within the context or practicing diplomacy played formidable roles in the settlement of international disputes in order to enhance mutual relationship in between legal personalities involved in international relations affairs.

Definition of Concepts

Diplomacy: The term diplomacy is derived via French from the ancient Greek diploma composed of diplo, meaning "folded in two", and the suffix- ma, meaning "an object". The folded document conferred a privilege- often a permit to travel- on the bearer and the term came to denote documents through which princes granted such favours. Later it applied to all solemn documents issued by chancelleries, especially those containing agreements between sovereigns.

Diplomacy later became identified with international relations and the direct tie to documents lapsed (except in diplomatics, which is the science of authenticating old official documents). In the 18th century, the French term diplomate ("diplomat" or "diplomatist") came to refer to a person authorized to negotiate on behalf of a state.

Diplomacy according to Berridge, (2002) is the means by which States throughout the world conduct their affairs in ways to ensure peaceful relations. The main task of individual diplomatic services is to safeguard the interests of the irrespective countries abroad. However, this has to do with the promotion of political, economic, cultural or scientific relations pertaining to much international commitment on how to defend human rights as well as the peaceful settlement of disputes. Diplomacy takes place in both bilateral and multilateral contexts. Bilateral diplomacy is the term used for communication between two states, while multilateral diplomacy involves contacts between several states often within the institutionalized setting of an international organisation. Negotiation is one of the most important means of conducting diplomacy, and in many cases results in the conclusion of treaties between states and the codification of international law. The aim of such international treaties is primarily to strike a balance between state interests. Diplomacy has existed since the time when states, empires or other centres of power deal with each other on an official basis. Numerous diplomatic archives have been found in Egypt dating back to the 13th century BC. Permanent diplomatic missions, that is, representations set up by one country in the territory of another, date back to the Renaissance in the 15th century.

Diplomats are the primary but far from the only practitioners of diplomacy. They are specialists in carrying messages and negotiating adjustments in relations and the resolution of disputes or conflicts between states and peoples. Their weapons are words backed by the power of the state or organization they represent. Diplomats help leaders to understand the attitudes and actions of foreigners and to develop strategies and tactics that will shape the behavior of foreigners, especially foreign governments. The wise use of diplomats is a key to successful foreign policy.

There are different types of diplomacy which are appeasement, counterinsurgency diplomacy, economic diplomacy, gunboat diplomacy, hostage diplomacy, humanitarian diplomacy, migration diplomacy, nuclear diplomacy, paradiplomacy, peer-to-peer diplomacy, preventive diplomacy, public diplomacy, quiet diplomacy, science diplomacy, soft power diplomacy which is also known as hearts and minds diplomacy (Adler-Nissen, 2016). Similarly, International Law is not merely an academic discipline. It has far reaching political implications for the international community of states in the real world of international politics. International law primarily addresses the conduct of and relations between States, although it also regulates international organizations, groups of persons (such as armed groups) and entities (such as corporations or non-governmental organizations (NGOs) and individuals. Contemporary international law also includes specialized branches of law that address

particular subject areas dealt with in this module, including human rights, refugees, transnational crime, international criminal law, weapons control, international humanitarian law and international law on the use of force.

Similarities and Mutual Reliance between International Law and Diplomacy

Diplomacy and international law in a sense grew up together, inseparable as manifestations of a complex European international system in which separate centers of political and military power sought by autonomy and greater relative capabilities but, because they only existed in close conjunction and necessarily transacted much business among themselves, required some means of regulating their relations. Relying on rules of law was one way of meeting this need; practicing diplomatic interchange was another. Both the regulations of law and the bargaining of diplomacy initially encompassed a variety of political or other units, but overtime the increasingly dominant "states" both suppressed competitors for influence within the territory over which they declared themselves sovereign and excluded institutions other than their fellow states from the status needed to be either a party at law or a partner in negotiations. The limited character of international law reflected the same loose construction of international society that the experimental nature of diplomacy did; in the sixteenth and seventeenth centuries both were in the process of discarding the presumptions of a civitas maxima founded in Christendom and governed by natural law and moving toward a positivist conception of a society of secular states observing such rules as they agreed to among themselves and creating and sustaining such diplomatic practices and institutions as they found mutually advantageous (Sofer,1988).

As noted by Stanley Hoffmann, "The size of the diplomatic field determined the degree of universality of the legal order" (Hoffmann 1965, p.96). Yet one could say the same thing in reverse. The geographic extent of the international states-system and society as revealed on the map by those states that accepted common modes of diplomacy demarcated the area within international law operated between jurisdictionally equal participants. Just as surely, the domain of the subjects of international law (as opposed to "barbarians" outside, who might be regulated by European international law but who had fewer rights under it and no role in making it) marked the scope of the diplomatic system (Gong, 1984). The two activities were both inherent in a setting defined by a diversity of wills moderated by a degree of society among them. Neither was inevitable in the form that it eventually took-past international systems have developed rules other than legal ones, such as purely moral precepts; diplomatic institutions such as resident envoys have not generally been part of those prior systems- but that there would be rules of some kind and that there would be some means of communicating and managing business among these many wills, does seem to have been required by the kind of world that the European international system turned out to be (Wight, 1977; Bull, 2002, pp.122-177).

Diplomacy and international law were and are mutually constitutive. Aside from asserted law laid down at a stroke by international judicial institutions, international law is the creation of diplomacy, either through bargaining at a

multilateral gathering that results in a proposed convention that would stand as a general principle of law for the entirety or at least the bulk of the members of the states-system; or through discussions among a more limited number of states (perhaps only two) leading to a formal agreement that, if ratified, would have the status of a legal contract among or between them; or as a pattern of behavior that is eventually recognized as customary law (Goldsmith & Posner, 2005). On the other hand, international law heavily regulates diplomacy, providing rules under which it is carried on- as in the Vienna conventions on diplomatic and consular relations of 1961 and 1963, which codify centuries of developing practice on the security of diplomats (Wilson, 1967; McClanahan, 1989; Frey and Frey, 1999; Barker, 2006) and the rules of construction of international agreements, which are borne in mind by diplomats as they negotiate.

Differences and Perennial Rivalry between International Law and Diplomacy

Nevertheless, the idea that international law and diplomacy are mutually incompatible has also been a recurrent feature of thinking about international relations. Because the two forms of interaction employ different criteria and different methods, they have frequently been thought to be characterized by contrasting spirits. The literature on the "ideal diplomat" that became a staple of writings on diplomacy from the Renaissance through the seventeenth century at times displayed skepticism about the suitability of lawyers to serve as diplomats. Calliéres advised against making magistrates diplomatic envoys, describing them as "ordinarily of a less flexible temper, of a more difficult access, and of a less engaging carriage" than are courtiers (Calliéres, 1987, p. 169). By this, he meant that such judicial officers, accustomed to dealing with advocates who were attempting to persuade them in the magistrates' own courts, tended to be officious and superior in their manner, while what was called for in a minister sent abroad to deal with sovereigns was the ability to please those superior in rank and to fence skillfully with equals in negotiations. Yet it can be inferred that Calliéres believed that the suppleness of mind was essential to arriving at the accommodations inherent in diplomacy, while law consisted in the more yielding application of settled rules.

In the twentieth century, with the emergence of international relations as a separate field of study, self-conscious of its independence from the older discipline of international law, this insistence on the distinction between the bargaining over interests in diplomacy and the assertion of rights in law became more general and more systematically argued. Carving out an autonomous realm of life known as the political, realist thought in particular drew the line distinctly, and not to the advantage of law. Kennan's detection of the "legalistic-moralistic approach to international problems," running "like a red skein" through American foreign policy since the turn of the century, left him with little confidence that fixed legal rules, prizing stability, could meet the most pressing need of an anarchical international system, a means of peaceful change. Easing the process of change was "a task for diplomacy" (Kennan, 1951, pp.82-9). In this dichotomy between diplomacy's agile accommodation to transformed realities and law's unyielding resistance to them, Kennan followed the line of

reasoning powerfully stated by both Carr and Morgenthau (Care, 1964, pp.170-223; Morgenthau, 2006, pp. 283-316, 452-82). Care in particular asserted that diplomacy was not simply different from but was superior to international law as a way of achieving peaceful change, because the legal method of dealing with conflict was to shut its eyes to the interests at stake and endeavor to apply a supposedly neutral set of legal principles to parties who cared far more about prevailing than they did about complying with legal procedures, while the diplomatic-political method took every interest into account, thereby more fully appreciating the complexity of international disputes and the disadvantages felt by have-not states. Diplomacy, in this telling, was more likely to be engine of change employed by the dissatisfied, international law to be the bulwark of resistance relied on by the supporters of the status quo.

The Impact of International Law in Strengthening Diplomatic Practices

The impact of international law in strengthening diplomatic practices is important and can be seen in some relevant cases and statutes. See the case of US diplomatic and consular staff in Tehran case, United States of America V Islamic Republic of Iran (1980), it is a public international law case brought to the International Court of Justice (ICJ) by the United States of America against Iran in response to the Iran hostage crisis, where United States diplomatic offices and personnel were seized by militant revolutionaries. On 4 November 1979, there was an armed attack by Iranian students on the United States Embassy in Tehran and they overtook it. The students, belonging to the Muslim student followers of the Imam's line, did this as an act of support to the Iranian Revolution. More than sixty American diplomats and citizens were held hostage for 444 days (until January 20, 1981). Some of the hostages were held hostage until the end. Although Iran had promised protection to the U.S. Embassy, the guards disappeared during the takeover and the government of Iran did not attempt to stop it or rescue the hostages.

The United .States of America arranged to meet with Iranian authorities to discuss the release of the hostages but Ayatollah Khomeini (the leader of the Iranian Revolution) forbade officials to meet them. The U.S. ceased relations with Iran, stopped U.S. exports, oil imports and Iranian assets were blocked. Black (2003) argue that within the confine of the international court "the rules of diplomatic law in short constitute a self-contained regime, which on the one hand lays down the receiving state's obligations regarding the facilities, privileges and immunities to be accorded to diplomatic missions and on the other, foresees their possible abuse by members of the mission and specifies the means at the disposal of the receiving state to counter any such abuse".

Another way international law can be seen in strengthening diplomatic practices is contained in the Vienna convention on diplomatic relations, 1961, this convention as a product of international legal framework is fundamental to the conduct of international relations and it ensures that diplomats can conduct their duties without threat of influence by the host government. In particular, the convention establishes the following international legal rules for the appointment of foreign representatives which includes: the inviolability

of mission premises, protection for the diplomat and his or her family from any form of arrest or detention, the protection of all forms of diplomatic communication, the basic principle of exemption from taxation.

This convention as a treaty was signed on the 18th of April 1961 at Vienna and came into force on the 24th of April 1964. This international treaty defines a framework for diplomatic relations between independent countries. It specifies the privileges of a diplomatic mission that enable diplomats to perform their function without fear of coercion or harassment by the host country; it forms the legal basis for diplomatic immunity. Its articles are considered a cornerstone of international legal framework in the conduct of modern international relations. As of October 2018, it has been ratified by 192 states.

In the same year that the treaty was adopted, two amendment protocols were added. Countries may ratify the main treaty without necessarily ratifying these optional agreements. These two amendment protocols are concerning acquisition of nationality and concerning compulsory settlement of disputes. Regarding acquisition of nationality, the head of the mission, the staff of the mission and their families shall not acquire the nationality of the receiving country while on the compulsory settlement of disputes, disputes arising from the interpretation of this treaty may be brought before the International Court of Justice. The present treaty on the treatment of diplomats was the outcome of a draft by the international law commission.

Throughout the history of sovereign states, diplomats have enjoyed a special status provided by international law. Their function to negotiate agreements between states demands certain special privileges are recognized by international law. An envoy from another nation-state is traditionally treated as a guest, their communications with their home nation-state treated as confidential and their freedom from coercion and subjugation by the host nation-state treated as essential. This led to the first attempt to codify diplomatic immunity into diplomatic law that occurred with the congress of Vienna in 1815 and was followed much later by the convention regarding diplomatic officers at Havana, 1928.

Article 9 in the Convention states that the host nation at any time and for any reason can declare a particular member of the diplomatic staff to be persona non grata. The sending state must recall this person within a reasonable period of time or otherwise this person may lose their diplomatic immunity. Article 24 establishes that the archives and documents of a diplomatic mission are inviolable. The receiving country shall not seize or open such documents. Article 31.1c covers actions not covered by diplomatic immunity: professional activity outside diplomat’s official functions. Article 27 states that the host country must permit and protect free communication between the diplomats of the mission and their home country. A diplomatic bag (which is a container in which official mail is sent to or from an embassy) must never be opened even on suspicion of abuse. A diplomatic courier (who is an official who transports diplomatic bags as sanctioned under the 1961 Vienna convention in diplomatic relations) must never be arrested or detained. Article 22 states that the premises of a diplomatic mission, such as an embassy are inviolable and must not be

entered by the host country except by permission of the head of the mission (Wiseman, 2011). Furthermore, the host country must protect the mission from intrusion or damage.

The host country must never search the premises nor seize its documents or property. Article 30 extends this provision to the private residence of the diplomats. Article 29 states that diplomats must not be liable to any form of arrest or detention. They are immune from civil or criminal prosecution, though the sending country may waive this right under Article 32. Article 34 provides for the tax exemption of diplomatic agents while Article 36 establishes that diplomatic agents are exempted from tax duties. Article 37 states that the family members of diplomats that are living in the host country enjoy most of the same protections as the diplomats themselves. The treaty is an extensive document containing 53 articles, the above is a basic overview of its key provisions. Two years after adopting this treaty, the United Nations adopted a closely related treaty, the Vienna convention on consular relations.

Another way in which international law strengthens diplomatic practices is through the international customary law. International customary law consists generally of rules of law derived from the consistent conduct of states acting out of the belief that the law required them to act that way. It follows that customary international law can be discerned by a "widespread repetition by states of similar international acts over time (state practice) acts must occur out of sense of obligation (opiniojuris) acts must be taken by a significant number of states". A maker of customary international law is consensus among states exhibited both by widespread conduct and a discernible sense of obligation. The two essential elements of customary international law are state practice and opiniojuris as confirmed by the international court of justice in the legality of In 1950, the international law commission listed the following sources as forms of evidence of customary international law which are treaties, decisions, of national and international courts, national legislation, opinions of national legal advisors, diplomatic correspondence and practice of international organizations. In 2018, the commission adopted conclusions on identification of customary international law with commentaries. The United Nations general assembly welcomed the conclusions and encouraged their wildest possible dissemination.

The statute of the international court of justice acknowledges the existence of customary international law in Article 38 (1) (b), incorporated into the United Nations charter by Article 92: "the court, whose function is to decide in accordance with international law such as disputes that are submitted to it, shall apply international law as evidence of a general practice accepted as law.

In relation to the psychological element that is opinion juris, the international court of justice further held in North Sea Continental Shelf case 1969 (between Denmark and the Netherlands V the Federal Republic of Germany) that "not only must the acts concerned amount to a settled practice, but they must also be such or carried out in such a way as to be evidence of a belief that this rendered obligatory by the existence of a rule of law requiring it. The states concerned must therefore feel that they are conforming to what amounts to a

legal obligation. The court emphasized the need to prove a "sense of legal duty" as distinct from "acts motivated by considerations of courtesy, convenience or tradition. This was subsequently confirmed in Nicaragua V United States of America. Some international customary laws have been codified through treaties and domestic laws while others are recognized only as customary law for example the laws of war also known as jus in bello, were long a matter of customary law before they were codified in the Hague conventions of 1899 and 1907, Geneva conventions and other treaties.

Supportive International Case Laws

Customary international law as an international law plays a major role in strengthening diplomatic practices through the international court of justice since when there are disputes between or among states, they can approach the international court of justice whose function is to decide on legal basis in accordance with international law provisions and may apply international custom as evidence of a general practice accepted as law known as international customary law. This can be seen in the case of Nicaragua V United states mentioned above which was decided by the international court of justice on June 27, 1986. Here, the international court of justice held that the U.S violated international law by supporting the contras in their rebellion against the Sandinistas and by mining Nicaragua's harbors. The case was decided in favor of Nicaragua and against the United States with the awarding of reparations to Nicaragua.

The decision of the international court of justice can also be seen through customary international law in the North Sea Continental Shelf case mentioned above between Denmark and the Netherlands V Federal Republic of Germany which were submitted to the international court by special agreement. The parties asked the court to state the principles and rules of international law applicable and undertook after to carry out the delimitations on that basis because this case concerned the delimitation of the continental shelf of the North Sea. By an order of 26 April 1968, the court having found Denmark and the Netherlands to be in the same interest, joined the proceedings in the two cases. In its judgment delivered on 20th February 1969, the international court found that the boundary lines in question were to be drawn by agreement between the parties and in accordance with equitable principles in such a way as to leave to each party those areas of the continental shelf which constituted the natural prolongation of its land territory under the sea and it indicated certain factors to be taken into consideration for that purpose. The court rejected the contention that the delimitations in question had to be carried out in accordance with the principle of equidistance as defined in the 1958 Geneva Convention on the continental shelf. The international court took account of the fact that the Federal Republic of Germany had not ratified that convention and held that the equidistance principle was not inherent in the basic concept of continental shelf rights and that this principle was not a rule of customary international law.

The Relationship between International Law and Diplomacy

Diplomacy is the social practice by which states interact with other states. It takes place in the medium of international law as states use international law to explain and justify their policies to other states and other audiences and to understand themselves. It is clear to see that in practice, states invoke law to strengthen their positions relative to other states by constructing justifications that situate their policies and preferences as consistent with international laws and norms. This is a ubiquitous practice in contemporary international politics. It can also be used to inform a theory of diplomacy as the intersection of international law and international politics.

There are two substantive points about diplomacy, first, that it is a social practice of states and second, that the practice consists of reconciling state behavior with international law. The first section explains what is entailed in seeing diplomacy both as a practice and as a state centric, including the dynamic between state officials and "new actors" in diplomacy such as activists, media and non-state actors. The second section examines diplomacy's connection to compliance, contestation and the rule of law in world politics. Diplomacy makes state behaviour sensible by explaining it in terms of international legal forms. It is therefore productive of foreign policy and international law. The contemporary international order rests on a widely shared commitment to the international rule of law the belief that the primary virtue of states and the main machinery of international stability depend on compliance with international law. Public diplomacy operates in the context of this commitment. States strive to be seen as acting consistently with their legal obligations and public diplomacy is to substantiate and defend that position. In doing so, however, it is shaped by the tendency for states to see international rules as naturally consistent with their own interests and desires. As a result, competing claims about compliance are standard fare and they cannot be resolved by recourse to either legal formalism or deliberative procedures but by diplomacy.

The interaction among sovereign states inevitably produces diplomacy, that is, the dialogue of states talking to states about the business of states. This is the "infrastructure of world politics" and it is made necessary by what Paul Sharp calls the "relations of separateness" that define sovereign states. Diplomacy is a subset of dialogues, where the broader set also involves trading interests towards an agreement, where reaching a point of agreement is essential to moving forward on a common project. It requires several actors in pursuit of their private interests were coordination with the other(s) carries the possibility of a greater payoff than does independent action. Secret interactions are defined by the state's failure to provide a public justification for its action-the public justification being the crucial component of diplomacy. Diplomacy is a social practice. It is a form of interaction among actors that is framed by the existing social structures of rules, norms and habits and that is in turn productive of these structures.

Conclusion and Recommendations

Diplomacy is first of all, a social activity. It connects a public language to the business of the state, giving meaning, reasons and explanations for state actions. It is embedded in social context of reasons, rules and meaning that exists before the interaction. The primary component of the contemporary legalized international order is the notion of an international rule of law in which states are expected to abide by the legal commitments that they take on. Through treaties, custom and other mechanisms, the content of these commitments might be subject to competing interpretations but the underlying idea of the rule of law and the importance of compliance are universally espoused and are presented as morally, legally and politically good by states and publicists.

The second feature of diplomacy is that as a practice, it is necessarily connected to states rather than other kinds of actors. This does not mean that non-state actors cannot engage in the practice rather, it means that when they do, they are engaged in an activity that is directed towards states, in a process of using international social resources to influence state behavior. As states use international law to explain their behavior, they contribute to remaking and reinforcing those rules. Diplomacy therefore has a "productive" effect in the sense of the term defined by Barnett and Duvall as it produces the public, social and legal resources with which future state behavior is understood, justified and argued over.

The productive elements of diplomacy can be seen in many recent cases where international law as developed through practice. Humanitarian intervention, for instance is increasingly seen as legal under certain circumstances despite its tension with the ban on war and other rules of the UN charter. It can be seen that the impact of international law in strengthening diplomatic practices cannot be overemphasized. International law has really impacted meaningfully on diplomacy's productive effect over the years.

Since modern diplomacy and international law at the moment is facing fundamental changes at an unprecedented rate, which affect the very character of diplomacy and international law practices, therefore, some of the changes also affect aspects of domestic and international politics that were once of no great concern to diplomacy. Thus, ministries of Foreign Affairs, diplomats and governments in general should be more proactive. Other recommendations are that:

1. Diplomats must understand the tension between individual needs and state requirements, and engage with that tension without detriment to the state.
2. Digitization must be employed in such a way that gains in efficiency are not at the expense of efficacy.
3. Diplomacy should be the principal substitute for the use of force and underhanded means in statecraft. Its primary tools are international dialogue and negotiation, primarily conducted by accredited envoys.

4. Forms of mediation should be developed that reconcile the interests of all sides allowing governments to operate as sovereign states, and yet simul-taneously use the influence and potential of other actors.
5. New and more open state activities need to be advanced that respond to the ways in which emotionalized publics who wish to participate in govern-ance express themselves.
6. International Law though is essentially a 'political activity that also involves diplomatic resolutions or conventions'.but an international lawyer should play a vital role in that process, the role of the diplomat, should also assume a crucial position, given the underlying political considerations which are interwoven into that process.

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