



Department of International and European Studies
School of Social Sciences, Humanities and Art
MA in International Public Administration

"Termination of diplomatic relations: Historical, legal and political perspectives."

Supervisor: Prof. Nikolaos Zaikos
Committee: Prof. Nikolaos Zaikos,
Prof. Kalliopi Chainoglou
Rafailia Georgia Stiouki
AEM: ipa19015



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1. History and Origins of Diplomacy

1.1. Prehistory and the roots of Diplomacy

Africa, the Kingdom of Ebla, the Kingdom of Hamazi, 2500 and 500 BCE 'cuneiform diplomacy

The ancient Near East- diplomatic practice

Ancient China-(656-221 BC) and beyond

Ancient Greece - the angelos or presbys, the keryx and the proxenos, Olympic Games

The Roman Empire

Byzantium

1. History and Origins of Diplomacy

Prehistory and the roots of Diplomacy

The Arab world - The aman, or safe-conduct. This allowed the holder to enter Islamic nations and secure the authorities' protection for his person, household, and possessions.

Ancient India - Vedic period

European states

The Jews

The medieval world - the respublica christiana, Roman law, feudal law, and canon law

Renaissance diplomacy and resident embassy : Italy 15th CE - permanent legations. diplomatic corps

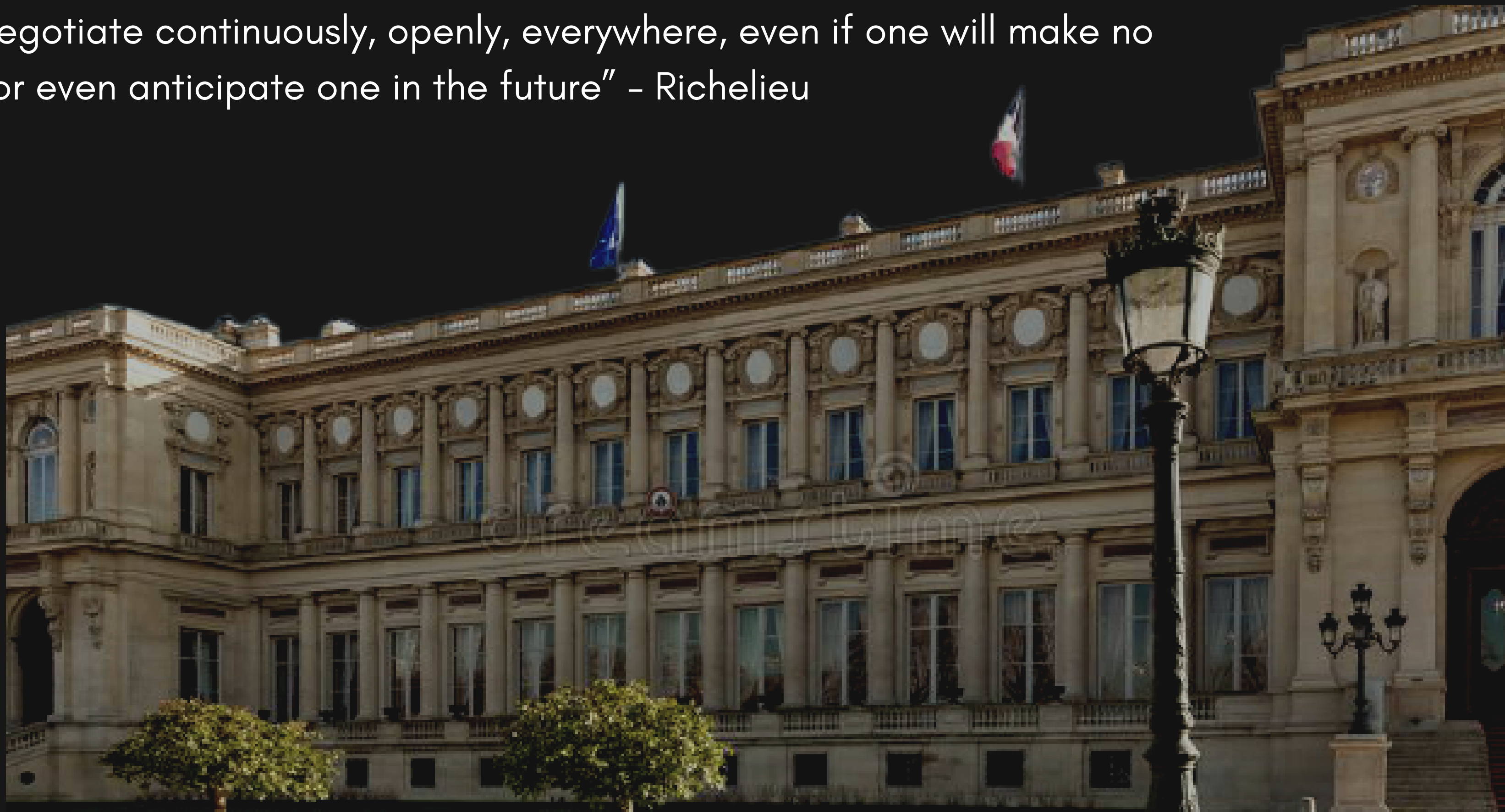
Immunities

- three sources: religious, legal, and practical
- universally honoured since 18th century



The development of foreign ministries: the establishment of the first foreign ministry in 1626

"It is vital to negotiate continuously, openly, everywhere, even if one will make no present gain or even anticipate one in the future" - Richelieu



Old Diplomacy:

The European concert

Congress diplomacy

Ministerial Congresses

Ambassadorial Conferences

Expansion of Diplomacy

Consuls and Service Attachés.

The 'new diplomacy':

The impact of war : public scrutiny
and control

The League of Nations:
multilateral diplomacy.

By 1937, 46 member states.

Conference diplomacy :
Geneva 'tea-parties'

Total diplomacy:

Multilateralism

Industrial, Social, and

Technological issues with have an
international, and thus diplomatic,

dimension.



The United Nations(1945) :
San Francisco Conference, Security Council
Group of 77, Parliamentary Diplomacy

Spread of diplomacy: transformational diplomacy, public diplomacy, non-governmental diplomacy, multilateral economic institutions, trade diplomacy, global environmental and humanitarian diplomacy

2. The Law of Diplomacy

The set of norms that govern relations between states : public international law, private international law and supranational law.

Sources of Diplomatic Law :

-Codification of Diplomatic Custom

-The United Nations Charter

-The International Law Commission

-The Vienna Conventions

-Evolving Legal Doctrine and Diplomatic Practice: 1945 UN Charter by Article 2(7), Responsibility to Protect (R2P)

Diplomatic Versus Consular Functions :

-Diplomatic: resident (permanent) diplomatic missions, Article 3 of the 1961 VCDR

-Consular : Notary and civil registry services. Commercial, economic, cultural, and scientific relations

- Privileges and Immunities of Diplomats

- Inviolability of the Premises – Article 22 of the VCDR

- The Diplomatic Bag – Article 27 of the VCDR

- Diplomatic Property Immunity – Articles 22, 23, 24 of the VCDR

- Personal Inviolability - Articles 30(1), 31(1) of the VCDR

- Ad Hoc (Special) Missions : Articles 8, 7, 21

- State Immunity and Diplomatic Protection : Diplomatic Protection as a Right of States, Extraterritoriality and Diplomatic Asylum

- Diplomatic Law and Multilateral Diplomacy : Global diplomacy led to significant codification of diplomatic law. Diplomatic Law in a New Millennium – reciprocity, article 41 of the VCDR

- The importance of Vienna Conventions : 190 States Parties, 'administrative measures' in Articles 4–11 of the Convention, 'punitive/deterrent measures' in Articles 9, 31(4), 32, and 39 of the Convention (2).

3. Termination of diplomatic relations

Legal and political perspectives

• Establishment of diplomatic relations:

Contact between states for agreement to establish their mission.

The request is viewed by the Foreign Office. Two countries may also agree on alternative methods such as through missions in a third country.

• Legal perspectives:

Article 43 – time of termination, persona non grata.

Article 44 – in cases of armed conflict
right to safe departure,

Article 45 - legal framework for safeguarding interests,

Article 46 - prior approval of the receiving State before a sending State may undertake the protection of a third State's interests. Article 46 procedure is viewed as a temporary measure to the creation of diplomatic relations.

3. Termination of diplomatic relations

Legal and political perspectives

•Political perspectives :

-**Temporary recall of a mission** : sharp deterioration of ties

-**Revolutionary changes in government** : circular Note to the heads of the diplomatic missions, acceptance of a Note means recognition

-**Extinguishment of sending or the receiving state** : If one of the sovereign states loses its identity diplomatic relations with that state must automatically be terminated.

-Termination of diplomatic relations by agreement:

Diplomatic relations between two countries can also be terminated amicably through an agreement.

- **Persona non grata**: personally unacceptable to the receiving government due to reasons like espionage, fraud, interference in internal affairs or personal misconduct.

-Outbreak of war: Diplomatic relations almost always come to an end when a war breaks out, and more often before actual hostilities begin

-Termination by death of the envoy: A diplomat's mission may be terminated by his own death.

3. Termination of diplomatic relations

Legal and political perspectives

• Breach of diplomatic relations :

Non-relationship : distance or a lack of mutual interest

Non recognition : denied recognition, whether by one or more existing nations or through a denial of UN membership

Severance of diplomatic relations :

a country decides to sever diplomatic ties and withdraw its diplomatic representation in protest of the other government's policies.

(Saudi Arabia - UK, France, 1956)

Attacks on embassies : upset public or political instability

Kidnapping of diplomats : extract a specific concession from a government

4. Diplomacy after the breach of diplomatic relations

- **Disguised 'Embassies'** : located within the state with which there are no diplomatic relations.
- **Interests sections** : a state with interests in another state entrusts the protection of those interests to the mission of a third state.
- **Consulates**: supplement of embassies, scattered around an important receiving state, limited interactions in case of unrecognized government.
- **Representative offices** : "liaison office", informal missions

- **Front missions** : Trade missions or commercial offices, information or tourist offices, travel agencies, scientific missions, and cultural affairs offices
- **Special Missions** : non-permanent, adhoc mission led by special envoys, beneficial in hostile state diplomacy, Article I of the New York Convention
- **Mediation** : type of negotiation, support the resolution of a conflict, the third party is a "full partner", multiparty mediation, "joint mediation"
- **The Working Funeral** : opportunity to do diplomatic business
- **The Joint Commissions**: standing committees, formal focus

5. Study Cases



5.1. USA-IRAN

- **June 28, 1850**
- **1979** : the Iranian Revolution
- **November 1979** : seizure of US embassy, 444 days
- **January 1981** : 52 hostages released
- **April 7, 1980** : termination of diplomatic relations
- **Switzerland** : protecting power for US interests in Iran

- **June 5, 2017** : Saudi Arabia, the United Arab Emirates and Bahrain broke ties with Qatar
- Prohibition of travelling to and from Qatar
- Egypt severed diplomatic relations without restrictions
- **January 5, 2021** : Reopening of borders by Saudi Arabia.
- **Kuwait** : mediator in efforts to bring Doha, Abu Dhabi, and Cairo together

5.2. QATAR DIPLOMATIC CRISIS

5.3. UK-IRAN

- **1979** : Britain closed its embassy on Iran
- **1980** : seizure of Iran's embassy in London by Iranian gunmen, 26 captives, 6 days under siege. One dead captive, six dead terrorists.
- **1988** : British embassy in Tehran reopened
- **1989** : severed relations due to the order of killing Salman Rushdie.
- **1992** : 3 Iranian deported for conspiracy to kill Rushdie
- For the first time since the 1979 revolution, the United Kingdom and Iran exchanged ambassadors in **1999**.
- **February 2002** : David Reddaway considered a spy, persona non grata
- **2004**: demonstrations on UK embassy, detention of eight British sailors, condemning resolution against Iran for IAEA
- **2007**: detention again of 15 British navy officers
- **2011**: sanctions and severance of relations
- **August 2015** : UK embassy reopened in Tehran



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- **"Sand War" since 1963**
 - **1976** : severed diplomatic relations with Algeria
 - **1983** : free transit, air and train services had reopened
 - **1988** : restoration of diplomatic relations and open borders
 - **August 1999**: massacre in Algeria's southwest killed 29 people - accusation of Morocco
 - **2011**: call for reopening of borders and normalization of relations
 - **2020**: President Trump recognized Morocco's sovereignty over Western Sahara.
 - **July 18, 2021** : Algeria recalled ambassador to Morocco - new diplomatic conflict.
 - Morocco expressed support for Berbers minority - "red line" for Algeria
 - **August 24, 2021** : Algeria cut diplomatic relations with Morocco
 - Algeria blocked airspace, no renewal of the MEG pipeline contract.

5.4. ALGERIA - MOROCCO

5.4. SAUDI ARABIA - LEBANON

- **Lebanon's Information Minister, George Kordahi** : Saudi Arabia and the United Arab Emirates aggressors in Yemen's war, Houthis in "self-defense"
 - **Saudi Arabia** has ordered Lebanon's ambassador to leave. All imports from Lebanon have been banned.
 - **Bahrain, Kuwait and the United Arab Emirates** dismissed Lebanese ambassador "in solidarity"
 - **Lebanon** : severe economic crisis and political infighting
 - George Kordahi resigned
 - **France** in the role of mediator. President Macron will assist and negotiate a resolution to this dispute.
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5.5. TAIWAN – SOLOMON ISLANDS AND KIRIBATI

- **2019:** Solomon Islands' decision to switch allegiance
- China offered to cover a development fund for the Solomon Islands
- *"Taiwan will not participate in dollar diplomacy with China to fulfill unreasonable demands,"*- President Tsai
- **November 2021** : riots in the capital of Solomon Islands - island of Malaita maintained ties with the island of Taiwan
- **September 2019** : Kiribati cut ties with Taiwan and recognized China - embassies closed
- **"chequebook diplomacy"** : China making massive, unsustainable loans to countries, a practice known as **"debt-trap diplomacy."**

- **November 2021** : China downgraded diplomatic relations with Lithuania to the level of charge d'affaires
- **November 18, 2021** : Lithuania permitted Taiwan island to establish a "representative office"
- Chinese Embassy in Lithuania announced that consular services will be terminated
- China increased political and economic pressure
- Lithuania recently left the Beijing-led 17+1 grouping

5.6. CHINA-LITHUANIA

6. CONCLUSIONS

- Diplomacy is unavoidable in modern era
- Diplomacy is more than a **dialogue**. It entails **acquiring information, clarifying goals, caring after citizens in need abroad**
- **Need for communication** even in armed conflicts for ceasefire or resolution.
- **Bilateral/Multilateral treaties** upon many issues force states to communicate
- **Digital diplomacy** : Social media, Video conferences as channels of communication
- Through this technological development states will discover new ways of exercising diplomacy and communicating during a breach of diplomatic relations.

THANK YOU FOR YOUR ATTENTION!

