

DIPLOMATIC DUTIES AND RESPONSIBILITIES¹

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ABSTRACT: *An approach to the status and potential of diplomacy in the new international political environment. The new opportunities for interaction between states and societies have, in fact, generated a process of professionalization of the diplomatic area. Foreign policy can be seen as a set of public policies of a state meant to achieve, especially on peaceful ways, its international objectives, most often aiming at the security of the state, economic well-being, prestige and influence. Diplomacy, on the other hand, is the institution or the sum of those activities and practices whose main purpose is to carry out the foreign policy of a state through a distinct professional body.*

The paper also shows some main aspects of the Romanian foreign policy. Romanian diplomacy must value the position of the Romanian state at the external border of the EU and NATO, with the awareness of the risks and opportunities resulting from this geopolitical position.

KEYWORDS: *International political environment; foreign policy; diplomacy; Romanian foreign policy*

JEL Classification: *K10*

1. AN OVERVIEW ON DIPLOMACY

Like any concept of social science, perhaps even more than others, given the reminiscences of placing this field away from the eyes of the public for a long time, the notion of "diplomacy" is associated with many misconceptions and mistakes. As some authors note, the term "diplomacy" is often used as a synonym for foreign policy in general or "state policy", according to the nuances existing in other languages. This broad sense of the term is commonly found in American academic and political backgrounds, a well-known example being Henry Kissinger's "Diplomacy", which actually deals with US foreign policy and aspects of international politics in the 20th century. (Todorean, 2013, pp. 59-60)

Many authors have examined the functions of diplomat. Palmer and Perkins in their book '*International relations*' are emphasizing the diplomat as being the eyes and ears of

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his government in the state in which he is posted. His most important obligation is to advance the enthusiasm of his government in the accepting the state and keep it educated about critical incidents and occasions which have any orientation on the relations of two governments. They have additionally said that diplomats have four capacities to perform: portrayal, transaction, announcement and protection of the interest of the country and its nationals in remote states.(Perkins, 1998, p. 84)

Leou B. Powlad has said that a diplomat has five capacities to perform specifically, the administration of contention, critical thinking, trans-social capacity, transactions and bartering and program administration.(Law, 1933, p. 80)The administration of contentions is that where there is an intersection of interests a diplomat should attempt to solve the crisis by influence, dealing, arrangements and bartering, transactions and so forth. He should go about as critical thinking operator. In global relations numerous issues emerge and a representative ought to choose about the best accessible decision for taking care of the issue. So it was believed in the past days that the ambassador who utilized his office for other than its legitimate activity relinquishes his resistance, and is obligated to discipline on account of an annoyed ruler.

Diplomatic activity will remain dominated by the pursuit of success, but it is not to be hoped that it will be the establishment of cooperative relations between and among nations. There is room for a bold vision of the international role of the State, the mediator of a vast and powerful movement which, by bringing interests and cultures closer, would go beyond national identities that are diverse, original and respectable, but localized and determined by progress.(Plantey, 2000, pp. 50-51)

2. SORT OF DIPLOMATS

Diplomats are sent by each state everywhere throughout the world, yet all diplomats are not covered in the same category. Today they have been arranged as Ambassadors, High commissioners, Charge'd affairs, Ministers Plenipotentiary, Envoy Extraordinary et cetera. Each strategic specialist has certain obligations to perform and duties to release in light of which everyone appreciates certain benefits and insusceptibilities too. Question of positions, priority, and convention once tormented worldwide relations. Here and there, they truly postponed the direct of the discretionary business. Constantly they prompted to friction, and once in a while even expedited the danger of war. In requested to decrease such troubles, the states have step by step built up specific tenets and standards representing political interference.

In old Indian writing there were various types of diplomatic ministers. All these were discovered for the most part styled Dutah whatever their rank and the mission on which they were sent. This training proceeded all through the Epic time frame in which we can recognize little contrast between one sorts of conciliatory specialist and another. In later ages diverse names were given to specific evaluations of minister as per their status and power.

There was no order of strategic specialists prior to Middle Ages; every diplomat lived by the nobility and status of ace. The ruler used to turn out in parades at the time, which ought to be in forefront and represented a difficult issue.(Chapter 3: Diplomatic Functions and Duties, n.d., pp. 16-25) The diplomat, who was in the front, was thought to be the most essential individual. At the point when this turned into a major issue, Pope

approached to understand that, since he summoned regard among every one of the lords, it was viewed as most fitting that he ought to take care of this sensitive issue. Amid the sixteenth century a qualification between two classes of diplomatic envoys steadily emerged, and by about middle of the seventeenth century, after lasting legations had come into general, two such classes turned out to be by and large perceived to be specific unprecedented agents, called representatives, and standard agents called residents. Debate emerged every now and again in regards to priority and the states tried in vain to avoid them by presenting amid the eighteenth century another class to be specific, the ministers plenipotentiary.

Professor Oppenheim arranges diplomats into two classifications, the individuals who are sent aboard for conclusion of treaties and the individuals who are sent to go to functions and inform foreign government about changes in the legislature at home. Both the sorts of diplomats appreciate square with status. The diplomat of first class has been additionally partitioned into two classifications i.e, lasting and temporary.(Jennings, 1986, p. 1056).

Managing rigor and flexibility in order not to concede the essential, in an intercultural relationship and in opposing permanent interests, diplomacy requires a set of qualities and skills that training, practice and time must generate.(Pancracio, 2007, pp. 27-29)

Article 1 of the Vienna Convention characterizes a diplomatic agent as the leader of a mission or an individual from the conciliatory staff having discretionary rank. The leader of the mission is the individual who is sent by the State to act in that limit. The general decides that diplomatic agents are people assigned by the sending State, and the receiving State basically gets delegates in their nation. It ought to be noticed that bearing a diplomatic passport does not itself show political status; neither does the ownership of a discretionary visa or a recognizable proof card issued by the outside service constitutes acknowledgment as a diplomatic agent with such status.

The debate with respect to the assignment and relative status of diplomatic representatives was settled by the Congress of Vienna of 1815 and similar arrangements have been embraced by Article 14 to 18 of the Vienna Convention. Article 14 isolates heads of diplomatic missions into three classes:

1. Ambassadors or nuncios certified by Heads of State and different heads of mission of equal rank.

2. Envoys, ministers, and internuncios authorized by Heads of State.

3. Chargés d'affaires certified by Ministers of Foreign Affairs.' The title of nuncio indicates a changeless discretionary illustrative of the Holy See. In 1965, the Holy See built up another rank of Apostolic Pro-Nuncio which was certified to States which did not offer a delegate of the Holy See the status of doyen of the strategic corps.

The Ambassador is the political specialist of most noteworthy rank and is viewed as the individual illustrative of the sovereign, and in that capacity has the privilege to guide access to the sovereign, in spite of the fact that this is next to no significance at the present day. He has the privilege of being tended to as "His Excellency" in all correspondences. There is little distinction between the Minister Plenipotentiary and the Minister Resident, both are licensed to the Head of the state, however while the Minister Plenipotentiary has the politeness title of "His Excellency" the Minister Resident has not. The Charge d' Affaires is the class of strategic operator and is certified by the clergyman of Foreign Affairs and not by the Head of the State. He should be recognized by Charge d' Affaires

who assumes responsibility of the mission briefly amid the nonappearance of the leader of the mission.

The essential obligation of heads of missions is to complete the guidelines of their service and to report back to it with the data assembled. They are relied upon to utilize their drive in prescribing strategy that the legislature should embrace and report any huge data; they are capable to their own particular government and the receiving State for the lead of the mission. Innovation now guarantees prompt contact between the missions and the sending State. Diplomatic agents ought to on a basic level be of the nationality of the sending State with the goal of serving the sending State's advantage. Heads of missions might be authorized to more than one State, provided there is no complaint with respect to any of the States concerned. This is for the most part utilized as a part of intrigue segments. The head of mission may likewise follow up for the benefit of his State for any worldwide association. Additionally Article 14(1)(a) to (c) of Convention 1961 partitions the leader of the missions into three classes, the Representative or Nuncios licensed to Heads of State, and different heads of missions or comparable rank; the Envoys, Ministers and Internuncios certify to Head of State; Charge d' affaires authorize to Ministers of Foreign Affairs.(The Vienna Convention on diplomatic relations, 1961)

In the present International Law the sovereign is not any more a delegated head at the zenith preeminent power. The country alone is sovereign, and just the country's advantages are endowed to discretionary operators. The later in this manner, where they are nationals of an extraordinary power or a little express, a government or a republic, or whether they be called ambassadors or ministers, all get their central goal from same source.

3. DUTIES AND RESPONSIBILITIES

The ethics of diplomacy must be methods in the exercise of communication between states, sincere, effective persuasive, pacifying. It must also be that of the ends, respect for the dignity of each people, the acceptance of responsibility by each government, a common aspiration towards an international ideal.(Plantey, 2000, pp. 160-165)

The essence of diplomatic functions lies in the representation of the accredited state in addition to another accredited state, or in addition to an international organization. Thus understood, the essence of the diplomatic functions includes both the formal-symbolic level, the marking of relations and the mutual interest, as well as the representation of the interests and objectives of the state (political, security, economic, social, cultural) and its citizens consular services).(Todorean, 2013, pp. 72-75)

Palmer and Perkins additionally bring up the refinement amongst diplomacy and foreign policy by citing J.R. Childs (American Foreign Service, 1948), who recommended foreign policy as "the substance of foreign relations", and diplomacy as "the procedure by which arrangement is completed".(Perkins, 1998, pp. 115-125)

J.R. Childs bring up that ambassador is relied upon to play out the accompanying four capacities:representation, negotiation, reporting, protecting the enthusiasm of his nationals abroad.The present worldwide instrument on discretionary relations has acknowledged these capacities under Article 3 of Vienna Convention of Diplomatic Relations 1961.(The Vienna Convention on diplomatic relations, 1961)

The conventional doubt of strategic missions as instruments of undercover work and

interest has everything except vanished, and has been supplanted by a valuation for their capacities as offices for encouraging the pacific intercourse of states. The circumspection with which the conciliatory character is currently regarded and the developing security of the lawful request in many states make conceivable a diminishment of political privileges without risking the effective and autonomous satisfaction of the mission which it is their motivation to secure.

Article 3 of the Convention specifies the elements of diplomats as speaking to the sending State in the accepting State; ensuring in the getting State the interests of the sending State and of its nationals, inside the breaking points allowed by universal law; consulting with the Government of the getting State; discovering by every single legitimate mean conditions and advancements in the accepting State, and announcing consequently to the Government of the sending State; advancing agreeable relations between the sending State and the getting State, and building up their monetary, social and logical relations. Writing about conditions and improvements in the getting state, however initially intended to allude just to political issues, would seem to incorporate into the cutting edge setting social, monetary exercises of the nation, and by and large all parts of life which might be of enthusiasm of the sending state. The enthusiasm of sending state as well as he owes some obligation towards the getting state.

The specialty of negotiating is so intently connected with the profile of a diplomat that it has turned out to be typical to see the diplomatic representative of a state as an arbitrator second to none.

Nonetheless, it must be perceived that the normal ambassador of today, when assigned to a typical bilateral embassy, infrequently goes about as a negotiator in the customary sense. When in doubt, the matter of directing arrangements in the two-sided relationship is left to specialists or agents from the capitals. The embassy and its diplomatic personnel are never again the fundamental instruments or conductors of reciprocal arrangements, as they were previously. This situation is hardly surprising in a world of instant communication where coordinate contacts between the specialists concerned leave little room in the two-sided arranging process for the conciliatory missions. (Jonsson, 2002, pp. 41-47)

4. THE ROMANIAN EXTERNAL POLICY

In the view of some authors, diplomacy is an instrument of foreign policy for the establishment and development of peaceful relations between the governments of several states through the use of mutually recognized intermediaries by the respective parties. (Jonsson, 2002, p. 213)

The point of the diplomatic mission is communicated by a capacity that captivates the disposition of every single other capacity toward the other objective: advancing cordial relations and co-operation between the sending State and the getting State. Thus, conciliatory missions satisfy a basic part when putting resources into the reciprocal connection ethics that change it in the essential positive component during the time spent, setting global relations on good, reasonableness and legal standards. (Iucu, 2010, pp. 129-134)

Romania's foreign policy must be a national consensus policy to achieve its objectives in an effective manner, managed with professionalism and integrity, to promote and

defend national interests.

Romania's diplomacy will aim, as an essential goal of foreign policy, to strengthen the international profile of the Romanian state. It will also seek to increase the quality of our country's EU and NATO member state contribution to the strengthening of these two organizations, as well as to deepen the 21st Century Strategic Partnership with the USA, the basic elements of Romanian foreign policy. Romanian diplomacy must be active and dynamic so as to better protect the interests and objectives of Romania and ensure the security of the Romanian state.

At the same time, Romanian diplomacy must value the position of the Romanian state at the external border of the EU and NATO, with the awareness of the risks and opportunities resulting from this geopolitical position. From this point of view, a priority will be the contribution to the expansion of the area of democratic prosperity, security and predictability in Romania's neighbourhood, necessary to ensure national security, especially in the existing unstable context.(Guvernul României, 2017)

5. CONCLUSIONS

In the present day, diplomacy, the representatives not just owe an obligation and capacity towards the sending state yet in addition towards the accepting state. The present global law influences no commitment upon the getting state to acknowledge any individual as diplomatic representative of the sending state without wanting to. The accepting state may decline a diplomatic agent without giving any reasons at all and it can likewise end the diplomat when the sending state does not review the diplomat, when the getting state has influenced portrayal to review the getting state may pronounce that individual as *persona non grata*.

It is likewise within the discretion of the receiving State to announce any individual from the strategic staff of a mission *persona non grata*. This might be done whenever and there is no commitment to clarify such a choice. In these circumstances, the sending State, when in doubt, would review the individual or end his/her capacity with the mission. In this way, the Vienna Convention accommodates particular measures that can be taken by both the sending and getting States in instances of abuse of diplomatic privileges and immunities. All in all, diplomatic privileges and immunities have filled in as proficient apparatuses encouraging relations between States. Understanding the essential capacities, necessities and order of diplomats and the diplomatic staff gives a method for figuring a conceivable answer for controlling misuse of political resistance inside the domain of criminal jurisdiction.

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