Working Paper

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Diplomatic Representation in the 21ˢᵗ Century[1]

Table of Contents

Introduction

Representation, in terms of standing and acting for others, is a core function of diplomacy. Representation is no simple or unequivocal concept, but can be understood in broad, general terms as "a relation between two persons, the representative and the represented or constituent, with the representative holding the authority to perform various actions that incorporate the agreement of the represented." As such, it is a concept that links diplomacy to representative democracy.

From Antiquity to the Middle Ages, diplomats represented sovereign rulers in the sense that they were perceived to embody their sovereigns when they presented themselves at foreign courts. While such a view is alien to modern thought, today's principle of diplomatic immunity has deep roots in notions of personal representation. The reason that early envoys were inviolable was that they were to be treated "as though the sovereign himself were there." Today, the status of diplomatic representatives, standing for other, is understood as symbolic representation. The diplomat is then a representative in the same way that a flag represents a nation. Diplomats "personify both their nation's traditions and its contemporary culture to the officials and people where they are assigned."

Representation implies not only status (standing for others) but also behavior (acting for others). Economists and political scientists analyze such relationships between representatives and those represented in terms of principals and agents. Principal-agent relations arise whenever one party (principal) delegates certain tasks to another party (agent). Diplomats and elected politicians are obvious examples of agents, who have been entrusted with certain tasks from their principals (governments/voters). Because of conflicting preferences and information asymmetry, agents may pursue other interests than those of the principal. Delegation is therefore usually combined with control mechanisms.

The proper behavior of a representative is a matter of intense debate, especially in the literature on representative democracy. At issue is whether agents have an "imperative mandate," being strictly accountable to their principals, or a "free mandate," being authorized to act on behalf of their principals.[2] It implies an appraisal whether accountability or authorization is the key term to characterize the relationship between representatives and principals. Diplomacy has experienced both extremes. Medieval diplomatic emissaries, *nuncii*, were prime examples of "imperative" mandates, deviating at their peril from the most literal interpretation of their prince's instructions. A *nuncius* was described by a medieval commentator as "he who takes the place of a letter" and "recites the words of the principal." Pressures of distance and time – negotiations required *nuncii* to go constantly back-and-forth between their principals and their foreign counterparts – eventually led to the emergence of *procurators*, agents who could speak in their own person and not only in the person of the principal and who could negotiate and conclude treaties. The procurator, in turn, was the forerunner of the ambassador plenipotentiary. Instead of explicit instructions, thirteenth-century procurators were often provided with blanks sealed in advance by the principal and left to be filled out by themselves, giving them immense freedom and power of discretion.[3]

In short, standing and acting for others entail perennial dilemmas and issues concerning diplomats' symbolic role and the balancing act between the imperative and free mandate extremes. Are there, then, specific issues of diplomatic representation in the 21st century? In this paper I will make an attempt to identify some changes and trends, and raise questions concerning their implications. As for symbolic representation, I will discuss the change from immunity to vulnerability and the question whether diplomats ought to mirror the society they represent. In addition, I will identify four interrelated issues concerning principal-agent relations and diplomatic behavior: What if principals and agents have differing interests? What are the significant differ-

[2] Sobolewski, »Electors and Representatives: A Contribution to the Theory of Representation«, p. 96.
[3] Queller, *The Office of the Ambassador in the Middle Ages*, pp. 7, 26-30, 130, 135.

ences in representing a democratic or an authoritarian state? How can diplomats represent divided societies? And what problems are associated with representing a populist regime?

From immunity to vulnerability

Any claim to symbolic representation has to be accepted by the significant audience.[4] For centuries, the fact that diplomats represented venerable principals – from powerful monarchs to established states – guaranteed their protected and privileged status. Whereas long-standing rules of diplomatic immunity and privileges by and large continue to be upheld in interstate relations, popular perceptions of diplomats have changed in recent decades. To the extent that diplomats are perceived as symbols of disliked countries, religions or "-isms," the quality of standing for others has been transformed from a rationale for diplomatic immunity to a rationale for political violence. No longer inviolable symbols, diplomatic representatives have increasingly become highly vulnerable symbols.

In a polarized world diplomats and diplomatic facilities have become soft targets for terrorist attacks. For instance, out of all terrorist attacks targeting the United States between 1969 and 2009, 28 percent were directly against US diplomatic officers. In 2012 alone various diplomatic institutions were attacked 95 times, of which more than one-third targeted UN personnel.[5] As a consequence, embassy security has become an overriding concern. Some embassies today have the appearance of fortresses or penitentiaries, with barbed wire atop and alongside high walls without windows. CCTV surveillance, turnstiles, metal detectors and crash proof barriers are but a few examples of security devices at embassies and consulates. One veteran US diplomat speaks of "creeping militarization," as embassy security has become influenced by military priorities and requirements.[6] The military connec-

tion is also reflected in the fact that embassies and diplomats representing governments with ongoing military operations are particularly vulnerable.

This raises the question whether there are non-militarized ways of restoring the protection and security of diplomats that have been a hallmark of diplomacy throughout centuries. The tendency toward increasing insecurity and vulnerability not only impedes diplomatic tasks but also threatens to render the recruitment of qualified personnel more difficult.

Mirroring society

Standing for others can be understood in another, more literal sense. To what extent do diplomats need to mirror the social and ethnic composition of the societies they represent? For most of recorded history, diplomatic envoys have represented individual rulers rather than whole communities and have not necessarily come from the same country as their rulers. Well into the nineteenth century diplomats were aristocrats, who could easily change from one monarchical employer to another. The idea that diplomats should be an accurate reflection or typical of the society they represent is quite recent. The first paragraph of the US Foreign Service Act of 1980, for example, states that the service must be "representative of the American people."[7] With increasing migration, many – if not most – states will have a multiethnic and multicultural character in the 21st century. In countries with substantial immigration, such as Sweden, governments have recently made efforts to influence recruitment policies in order that the diplomatic corps better mirror the multiethnic character of these societies.

The standard objection to taking measures to safeguard representativeness in this sense is that diplomats are supposed to represent national policies and values rather than the social and ethnic composition of the society they come from. However, the question needs to be raised how important the symbolic value of accurately reflecting

[4] Redner, *A New Science of Representation*, pp. 33-4.

[5] Ismail, *Islamic Law and Transnational Diplomatic Law*, p. 139.

[6] Bullock, »Keeping Embassy Security in Perspective«.

[7] Stearns, *Talking to Strangers*, p. 88.

their society might be in the perceptions of relevant audiences. Another consideration concerns the potential value of individuals with multiple cultural background and understanding in diplomatic negotiations with relevant counterparts. For instance, could diplomats recruited from the Muslim population in Germany or Sweden play a constructive role in negotiations with Arab countries?

Differing principal-agent interests

Whereas the two previous issues relate to symbolic representation (standing for others), the following concern behavior (acting for others). In the world of diplomacy, the dynamics of principal-agent relations rest on two-way communication and influence attempts. Receiving instructions of varying precision, diplomats rarely represent principals whose interests are fixed and static. Instead, "interests are constructed in interactions between representatives and those they represent, interactions informed by the representatives' superior knowledge of external realities."[8] Thus the reports diplomats send to their foreign ministries and the policies they propose or imply can have a decisive influence on government foreign policy.

"Shirking" is a key concept in principal-agent theory. It refers to the fact that agents may have interests that do not coincide with their principals and act accordingly. As far as diplomats are concerned, two considerations have received attention: "going native" and raison de système.

It is a well-known fact that diplomats posted at embassies abroad have a tendency to "go native" or catch localitis – that is, to become attached to, and assume the perspective of, their host country. Foreign ministries around the world preempt this danger by regularly circulating their diplomatic personnel, letting them serve limited terms in foreign countries. However, the increasing need for specialized knowledge may entail longer terms in individual diplomats' geographic area of specialty.

Diplomats represent not only their principals, but also certain ideas. They are committed not only to their primary roles as representatives of states, but also have an obligation to uphold the diplomatic system. Diplomat-cum-scholar Adam Watson, for example, argues that diplomats throughout history have been guided not only by raison d'état, but also by raison de système.[9] Commonly described as representing peace or international order, diplomats are said to be "conscious of world interests superior to immediate national interests."[10] Today, with a plethora of unsolved global issues, the need to "strike a balance between diplomacy as a means of identifying and fostering 'us' and diplomacy as a means of fostering the latent community of mankind"[11] will be more important than ever. The resurgence of nationalism in large parts of the world in the 21st century raises the question as to what means are available to strengthen diplomacy's raison de système.

Democratic vs. authoritarian states as principals

The nature of the principal is one important factor determining the nature of diplomatic representation. Specifically, it matters whether the diplomatic agent has a single principal or receives instructions from a collective body. Principal-agent theory pays attention to the problems of collective or multiple principals, especially the increased autonomy agents may enjoy as a result of competing preferences among principals. The unequivocal instructions from a single sovereign in earlier times left less leeway for diplomats than the frequently vague instructions resulting from negotiations among different actors and agencies in modern democracies. And whereas democratic states place diplomats at the end of multiple chains of principals and agents, diplomats representing contemporary authoritarian states, with one clearly identifi-

[8] Cutcher-Gershenfeld and Watikins, »Toward a Theory of Representation in Negotiation«, p. 24.

[9] Watson, *Diplomacy: The Dialogue Between States*, *passim*.
[10] Nicolson, »Foreword«, in: Thawyer, *Diplomat*, New York 1959, p. xi.
[11] Hill, »Diplomacy and the Modern State«, p. 99.

able principal, have more restrictive mandates.

The conventional wisdom has been that this asymmetry places diplomats of democratic states at a disadvantage in negotiations with counterparts from authoritarian states, as they often find themselves "stranded between different constituencies."[12] Representatives of autocracies, by contrast, typically act with consistency and continuity. However, Robert Putnam's notion of "two-level games" questions this logic.[13] Internal bargaining concerning "ratification," broadly understood, parallels interstate negotiations. The "win-set" in any international negotiation is thus determined not only by diplomacy at the interstate level, but by preferences and coalitions as well as institutions at the national level. A narrow win-set internally (due, for example, to varying interests and opposing views in a vital democracy) may be an asset externally, whereas a broad win-set internally (due, for example, to lack of opposition in an authoritarian state) may be a liability. The side that can credibly point to domestic conditions that limit its bargaining range – such as the parliamentary situation, strong interests groups or public opinion – has an advantage over the side that cannot in the same way narrow down the win-set.

The changing balance between democratic and authoritarian states in the 21st century constitutes quite a change from the optimistic predictions of the final victory of liberal democracies after the end of the Cold War. This ought to make us think harder about differing parameters of diplomatic representation between democracies and autocracies, and what consequences these might have.

Representing divided societies

A specific case of representation dilemmas in the 21st century occur in divided societies. Two prominent examples are Britain after the Brexit referendum and the United States after the election of Donald Trump as presi-

dent. These countries are virtually split into two halves of similar strength, with opposing views on issues diplomats have to deal with. On the one hand, this would seem to grant diplomats more leeway. But, on the other hand, the lack of firm and consistent policies, standpoints and instructions complicates life for diplomats significantly.

The lack of a firm consensus can be a serious liability in international negotiations, as the other side may try to exploit internal divisions and opposing standpoints. One common dynamic, well-known from repeated Cold War occurrences, is that hard-liners of both sides tend to reinforce each other's position. The Brexit negotiations will be a significant test case to see whether old patterns hold in the new 21st-century environment. Their unique character of an encounter between a deeply divided society and a coalition of a large number of dissimilar states makes for interesting observations concerning representation in the contemporary world.

Representing populist regimes

Another specific problematique concerns the rise of populist regimes. Populism represents a democratic representation problem. Populists claim to represent "the real people" or "the silent majority." By implication, those who do not share the populists' views and notion of "the people" are no legitimate members of society. Populism is essentially anti-pluralist, which is in contradiction to the norm of coexistence – of "live and let live" – on which both democracy and diplomacy rest.

The controversial conception of democratic representation domestically translates into a diplomatic representation problem externally. Exploiting growing mistrust and suspicion among voters, populist leaders target diffuse and undefined forces, such as "the establishment" or "experts" who have ostensibly undermined the democratic system. Along with journalists, diplomats are typically included in these categories. The fact that xenophobia often is a component of populism does not make the situation easier for diplomats. This raises the question

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[12] *Ibid.*, p. 97.
[13] Putnam, »Diplomacy and Domestic Politics: The Logic of Two-Level Games«.

of how to represent a principal who distrusts you. The United States under Trump is a case in point. The president has openly declared his lack of confidence in the State Department and proposes to cut its budget. A number of important ambassadorial appointments have been postponed. Among US diplomats there is widespread distress, and some have chosen to leave the service.

As this current example illustrates, the problem of representing populist regimes is interrelated to the issue of differing principal-agent interests as well as the difficulty of representing divided societies.

Conclusion

Representation is no simple and static concept, but a complex and dynamic one. Changes in the parameters of diplomatic representation in the 21st century warrant reflection among practitioners and students alike. In this brief paper I have pointed to some, but by no means all, contemporary issues of representation. I have raised questions, but have not provided any answers. My point is that subtle shifts in the non-technological foundations of diplomacy need to be noted along with the more dramatic changes in information technology in a discussion of the evolution of diplomacy in the 21st century.

As symbolic representatives, standing for others, diplomatic agents face challenges in terms of increased vulnerability and demands for reflecting multiethnic societies. The problems of acting for others, discussed here, pertain to the changing nature of principals: reduced attention to raison de système as a result of rising nationalism; the difference between democratic and authoritarian states; and the specific complications associated with divided states and populist regimes.

Representation, in sum, is best understood as a process rather than a static relationship. It is a process of mutual interaction between principals and agents.[14] Some authors have suggested that the notion of "plastic control," introduced by Karl Popper

to describe the relation between two interacting and indeterminate systems, may help us to understand this mutual relationship, at the same time as it points to the difficulties in defining representation in more precise terms.[15]

References

Bullock, J. L., »Keeping Embassy Security in Perspective«, in: *The Foreign Service Journal*, May 2015 /available at www.afsa.org/

Cutcher-Gershenfeld, J./Watkins, M., »Toward a Theory of Representation in Negotiation«, in: Mnookin, R. H. and Susskind, L. E. (eds), *Negotiating on Behalf of Others*, London: Sage, 1999

Freeman, C. W., Jr., *Arts of Power: Statecraft and Diplomacy*, Washington, DC: United States Institute of Peace Press, 1997

de Grazia, A., »Representation: Theory«, in: Sills, D. L. (ed.), *International Encyclopedia of the Social Sciences*, Vol. 13, New York: Macmillan and Free Press, 1986

Hill, C., »Diplomacy and the Modern State«, in: Navari, C. (ed.), *The Condition of States*. Milton Keynes and Philadelphia: Open University Press, 1991

Ismail, M.-B. A., *Islamic Law and Transnational Diplomatic Law*. New York: Palgrave Macmillan, 2016

McClanahan, G. V., *Diplomatic Immunity: Principles, Practices, Problems*, London: Hurst & Co, 1989

Nicolson, H., »Foreword« in: Thayer, C. W., *Diplomat*. New York: Harper & Brothers, 1959

Pennock, J. R./Chapman, J. W., »Preface« in: Pennock, J. R./Chapman, J. W. (eds), *Representation*, New York: Atherton Press, 1968

Pitkin, H. F., *The Concept of Representation*, Berkeley, Ca: University of California Press, 1972

Putnam, R. D., »Diplomacy and Domestic Politics: The Logic of Two-Level Games«, in: *International Organization*, 42 (1988) 3, pp. 428-60

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[14] Sobolewski, »Electors and Representatives: A Contribution to the Theory of Representation«, pp. 106-7.

[15] Pennock/Chapman, *Representation*, p. viii.

Queller, D. E., *The Office of Ambassador in the Middle Ages*, Princeton, NJ: Princeton University Press, 1967

Redner, H., *A New Science of Representation: Towards an Integrated Theory of Representation in Science, Politics, and Art*, Boulder, Col: Westview, 1994

Sobolewski, M., »Electors and Representatives: A Contribution to the Theory of Representation« in: Pennock, J. R. and Chapman, J. W. (eds), *Representation*, New York: Atherton Press, 1968

Stearn, M., *Talking to Strangers: Improving American Diplomacy at Home and Abroad*, Princeton, NJ: Princeton University Press, 1996

Watson, A., *Diplomacy: The Dialogue Between States*, London: Eyre Methuen, 1982