

THE DIPLOMATIC MISSION AND ITS FUNCTION

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Abstract: *This paper presents issues regarding the diplomatic mission or diplomatic mission and its functions. The international context from a diplomatic point of view, and not only, has prompted us to address the theme of the diplomatic mission and diplomatic functions. In this paper, there is only a general framework on the diplomatic mission and its functions, and in a subsequent paper this subject will be discussed in more detail. The organizational structure of the diplomatic mission is directly influenced by the political situation, the economic issues, the cultural field, the military domain and others. Thus, the division of the departments and the areas of interest is also dictated. The establishment of diplomatic relations takes place through the simultaneous fulfillment of the following clauses: the holding of international legal personality and the competence to sign legal acts; the recognition by both sides of the international legal personality; the existence of the mutual agreement. It is important to note that there is no confusion between the diplomatic mission and its members, as it is a state organ, is a distinct structure. Diplomatic missions carry out their activities in two parts: they relate to the accredited state and also relate to the accredited state. Concerning bilateral diplomacy, the diplomatic mission is divided into the following categories: Embassy, Apostolic Nunciature, Legation, Internunciature, High Commissariat. The most famous diplomatic mission represents the embassy, being also the most important. For example, the Apostolic Nunciature is specific to the Holy Regiment, because besides its diplomatic functions, it also performs ecclesiastical functions. From the point of view of multilateral diplomacy, the diplomatic mission is divided into permanent representations or permanent delegations and permanent missions of an international organization to a state. Thus, the diplomatic mission and its functions are permanently a subject that can always be different depending on the international context.*

Keywords: *diplomatic mission; accredited state; accredited state; mission functions.*

JEL Classification: *K20; N40; O50.*

1. Introduction

The notion of "diplomatic representation" and "diplomatic mission" (although in practice the latter is often used) can be considered synonymous because it represents the same institution. The negotiating function has diminished its importance due to the tendency of countries to seek and adopt common rules through treaties, conventions, and within international organizations dealing with the study of these issues. Until the ratification of treaties and conventions, the

negotiation function was considered "as the most important function and activity of the diplomatic mission and its staff" (M. Anghel, G.Silași, A.D.Crăciunescu, 2015). Negotiation depends largely on the negotiator. It has to possess a number of skills, both professionally acquired and personal. Negotiation involves three stages: pre-negotiation, negotiation itself, and post-negotiation respectively.

2. Diplomatic Mission

Mutual consensus is the foundation of the establishment of diplomatic relations and the existence of permanent diplomatic missions. As a rule, "for the establishment of a diplomatic mission, it is necessary to meet the following two conditions: to have diplomatic relations between the two states and to enter into an agreement between them for the exchange of diplomatic missions" (Anghel, 2011).

It is necessary, therefore, to clarify the two above-mentioned notions: the accrediting state, respectively the accredited state. The state accredited by a diplomat represents the accrediting state, and the state in which a diplomat is appointed constitutes the accredited state.

According to art.70, paragraph 3, letter a, b of the Vienna Convention on Consular Relations of April 24, 1963, the diplomatic mission may, in fulfilling its consular functions, address:

- local authorities in the consular district;
- the central authorities of the State of residence if the laws, regulations and customs of the State of residence or the relevant international agreements so permit.

The existence of the structure of a diplomatic mission is necessary to achieve the functions of the diplomatic mission. Depending on the context, the structure is composed of a person or a limited circle of persons and comprises according to Article 1 of the Vienna Convention on Diplomatic Relations of 18 April 1961 (Anghel, 2011):

- head of Mission;
- members of the mission;
- the members of the mission staff;
- members of the diplomatic staff;
- diplomatic agent;
- members of the administrative and technical staff;
- members of the service staff;
- private service person;

mission locations.

The three classes (Anghel, 2011) to which the Heads of Mission are assigned are listed in Article 14 (1) of the Vienna Convention on Diplomatic Relations of 18 April 1961, as follows:

- ambassadors or envoys accredited to Heads of State and other equivalent Heads of Mission;
- sent, ministers or envoys accredited to the Heads of State;
- charged with business with the Foreign Affairs Ministries.

In Romania's diplomatic and consular corps, according to the Law no. 269 of June 17, 2003, members can obtain the following degrees:

- a) diplomatic degrees: ambassador; minister plenipotentiary; Minister Counselor; diplomatic counselor; Secretary I; secretary II; secretary II; diplomatically attached.
- b) consular grades: consul general; consul; Vice Consul; consular agent.

The existence and necessity of diplomatic missions is justified by the accomplishment of the activities described in the functions of the diplomatic mission. Diplomatic activity depends directly on the level of relations between the two states involved, the political and economic climate.

According to art. (3) of the Vienna Convention on Diplomatic Relations of 18 April 1961, the functions of the diplomatic mission are as follows:

- to represent the accredited State in the accredited state;
- protect in the accredited state the interests of the accrediting state and of its citizens, within the limits allowed by international law;
- to negotiate with the government of the accredited state;
- to be informed by all lawful means about the conditions and evolution of events in the accredited state and to report them to the government of the accrediting state;
- promote friendly relations and develop economic, cultural and scientific relations between the accredited state and the accrediting state.

The function represented the accredited state in the accredited state

The representation function is one of the oldest functions involving the representation of the country concerned by the interests of its country and the establishment of links between states. This concept of representation has a wide scope, since links between countries are diversified and comprise a variety of areas of interest on both sides. "The diplomatic mission no longer represents a head of state or government, but the state as such, acting on behalf of the state which is a subject of international law." (M. Anghel, G. Silași, A.D. Crăciunescu, 2015).

3. The Functions of Diplomacy

Negotiation function:

The American bargaining style is probably the most influential in the world. It is the style that dominates literature and which many people try to copy. It is characterized above all by overflowing personalities who instantly transmit sincerity and warmth, personalities who are confident and secure on them and who have the ease to immediately move to an exuberant conversation. The negotiator enters the confidential negotiation room and speaks affirmatively.

Within American culture, respect is associated with economic success. There is a well-defined tradition: "wheeler-dealing", which refers to the concern to obtain the symbols of material success. The American negotiator, starting with enthusiasm, appreciates this attitude of pursuing economic gain. His forces are particularly high in the phases of negotiation. He naturally moves rapidly in these phases of negotiation. The way he "plays" implies that other negotiators should be governed by the same rules. He admires those who are experts in dealing with the healing process and those who play the same rules as he. He himself is an expert in using certain tactics to get benefits and expects others to have the same professionalism.

With this type of attitude, focused on the process of collapse, the American negotiator is interested in "packages". A seller expects the buyer to be able to make a balance sheet of the package he / she asks for; on the other hand, the buyer expects the seller to offer a clear package. And I intentionally use the word "package" because it contains something about the product idea and something more about the form in which this product is presented. (Rascanu, 2017).

The German negotiation style looks totally different. Especially the preparation for the negotiations of the Germans is absolutely superb. The German negotiator

identifies the understanding he hopes to do. He identifies the exact form of that understanding. Identifies the issues that they believe should be included in the negotiation. Then he prepares a reasonable offer carefully covering each issue of understanding.

During the negotiation, he will show the elements and offer clearly, firmly and affirmatively. It is not open to the compromise significantly. The negotiation pattern is surprisingly similar to some interpretations of German character: direct, systematic, well prepared, inflexible, and unable to compromise.

It is a very strong bargaining style when practiced by skilled negotiators. His forces are emerging especially at the negotiating stage. Once stated, the offers seem to get a degree of holiness, so the part of the treasury is diminished.

French. French negotiators are recognized for three main characteristics in international agreements: a lot of firmness, the insistence on using French in negotiations, and a negotiating style without a single side. I mean, he prefers to make a sketchy understanding, then an understanding of principle, then establish the title, and so on, covering the entire breadth of the deal; contrasting with the step-by-step approach of the Americans. And, like Gaule, they have a great ability to win by saying "non".

English. They are seen by other nationalities as: amateurs, unlike American professionals; rather poorly trained than well trained; cute, friendly, sociable, agreeable; flexible and receptive to initiatives.

Northern Europeans. North Europe is negotiating much more silently than Americans or Germans. There is some reticence in how socially involved at the beginning of the negotiations. He is silent, speaks slowly, and can easily be overwhelmed in this phase.

He is very open to the statements he makes and is willing to help the other party immediately obtain information about the position he is taking. It is also very good at recognizing creative possibilities and reaching creative decisions.

Finns and Norwegians fall into this pattern; Swedes also fall, but they are more influenced by Americans and Swedish bureaucracy. The Danes tend to have a Scandinavian and a German style.

The reasons underlying these characteristics, in any case for the Scandinavian countries, are not hard to understand: Christian morality, political stability, economies that are largely based on agriculture and fishing. The North European force lies in its frankness and openness in the exploration phase of negotiation, which determines its creative abilities in the next phase. It is not placed on the same level as Americans and Germans in terms of the ability to bid, nor with Americans in terms of the ability to bend, but can be stubborn. To be able to influence it, expect him to explore, be flexible and creative.

Mediterranean culture is primarily warmer. Salutations and social aspects emanate from heat, exuberantly use the posts and gestures. It is difficult to fix discussions at the level of certain agreements or at certain negotiation stages.

In some regions, certain agreements have to be "anointed", this issue of "anointing" is a central theme in the cultures of certain Mediterranean countries. It is regarded as a normal practice and does not have the repulsive character (as for the northern Europeans) of "bribery".

The negotiation approach in these cultures must take into account the types of education we have distinguished; and, at the same time, to take into account the need to "anoint." As no respectable Western company wants to be associated with

the idea of bribe, it is necessary for it to provide a local agency and take care that the agency can handle "anointing".

In the communist era, the approach is usually bureaucratic, sometimes with political tones. The bureaucratic aspect leads to a group of people who are involved in the negotiation. They have obligations to budgets, procedures and objectives that would normally be unknown to the negotiator who comes from another culture and whose significance is difficult to appreciate by the negotiator. The methods, as well as the goals, are bureaucratic. Protocols, systems, rules and bureaucratic procedures must be followed.

In some communist countries, this is imposed by the political system in which it is not unusual for the negotiating team to have a representative to verify the compliance and performance of the other team members. Nor is it despised that the community, in the form of the state, assumes the responsibility of the economic problems. In addition, the interests of community members - ordinary workers - demand that the performance of those who can influence economic success be verified.

Middle East. The Middle East negotiator comes from a tradition of the desert - a tribal tradition in which communities are close and compact, a tradition in which hospitality is the governing force. Time is unimportant: trust is important, and the visitor must gain this trust. The Prophet Muhammad was a warrior and the counter-attack is more respected than the compromise.

The consistency of the negotiation pattern emphasizes the early phases of the negotiations. Social issues - an extended form of climate / ice breakdown - take a long time. During the social "dominant" phase, some occasional aspects of exploration come into question - although sometimes an incident. From this vast, social and easy commercial discussion, mutual respect can emerge and commercial relations can be found. may be terminated.

But before that, be prepared for delays and interruptions. The door is open all the time, and even when negotiations have reached a critical point, a third person can interrupt them to come up with a completely different issue. Of course he will be welcomed and met in the best Arab tradition.

The Indians like to haggle - a typical pie market - and they feel deprived if the negotiations do not include a proper ritual of gossip.

The Chinese negotiator is distinguished by: concern for "façade", specialization, suspicion towards Westerners. The issue of the "façade" is the most important. The Chinese negotiator must be seen negotiating with a person with a key and authoritative position, a person whose executive boarding card is elegantly presented, a person who has an expensive car and a driver dressed in a proper uniform. He must not be forced to lose the image by having to withdraw his words firmly from the negotiations, and we can not maintain our imposing facade if we withdraw a firm statement that we have made. The final understanding must allow him to maintain - or prefer to improve - the perceived image of his knowledge.

The Chinese are suspicious of Westerners. In particular, it dislikes the Western attempts to lead them to political talks. The Chinese are more in favor of their families. A gift for the son (a small gift in which a thought was made, nothing ostentatious) is precious, in contrast to a luxurious business lunch that is useless. (Rascanu, 2017).

Observation and information function:

The observation and information function has different meanings and meanings. There was a confusion about observation activities, espionage, confusion that is caused by the vague delimitation of diplomatic activity and espionage over the means used. "As official means of communication are mentioned: official and official contacts, the cultivation of friendly relations, studying the press and other publications, contacts with other colleagues who are part of the diplomatic corps, contacts with political personalities, etc." (M. Anghel, G.Silași, ADCrăciunescu, 2015).

The function of cooperating internationally:

International cooperation is also an important function, its importance is reflected by its inclusion in the codification convention, demonstrating the interest of states in this direction. Thus, "the entire activity of the diplomatic mission must respond to this fundamental imperative; the diplomatic mission exercises all other functions in order to promote friendly relations and fruitful cooperation between the two states." (M. Anghel, G.Silași, A.D.Crăciunescu, 2015).

The function of protecting the interests of the acceding state and its citizens; the exercise of consular functions; diplomatic protection

The function of protecting the interests of the acceding state and of its citizens - individuals and legal entities, so the trusted person in the case of a resident abroad is the diplomatic agent. If the rights are violated to the resident, the informal and informal request is first made informally, unless a formal protest can be resolved, and the latter is the invocation of international responsibility if it has not been obtained results of internal appeals.

The exercise of consular functions existed most of the times concurrently with diplomatic ones. In 1961, at the Vienna Conference, the diplomatic mission was engaged in the exercise of consular functions.

Specific rules on diplomatic protection are laid down in International Law, as follows: "The act complained of by the injured citizen must be unlawful in relation to international law: violation of a treaty or rule of minimum standard; the condition of citizenship; the exhaustion of the internal appeal, the faculty of the protector state to act or to refrain from doing so" (M. Anghel, G.Silași, A.D.Crăciunescu, 2015).

Other functions of the diplomatic mission:

In addition to the above-mentioned functions, the diplomatic mission also has other functions that are of less significant importance, but which can make a difference for some countries. These functions are: "adherence to protests; to look after the interests of the national minorities and especially of the persons belonging to the ethnicity of the acceding state and, last but not least, the protection of the foreign interests." (M. Anghel, G.Silași, A.D.Crăciunescu, 2015).

4. In Conclusion

In the era of globalization, diplomatic issues are all the more in the forefront, as the world needs to adapt to economic, social changes, etc.

The work of the diplomatic mission, as well as the results depend on the human resource. Persons appointed to be part of a diplomatic mission have the duty to make

a contribution through both personal qualities and professional qualities. The diplomatic agent has obligations towards both his country and the head of state of the country in which he has received the accreditation. The obligations towards the country bear the name of a loyalty obligation, and to the state where he is accredited has the name of the obligation to loyalty. Successful completion of a diplomatic mission highlights the competence of mission members. The accredited state is the state that establishes the functions and activity of the diplomatic mission, based on the International Law, respectively the Diplomatic Law.

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