

The Diplomatic Character in the International Law

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Abstract

The states practice their International relations through specialized departments implemented by a group of people who enjoy specific features and can implement their tasks appropriately. Those people are called diplomats. The diplomatic mission is considered as one of the well-known professions through history and its roots go back to the Roman times.

In this regard, the implementation of diplomatic missions and representing the state within other countries and international organizations require that a diplomat shall have specific features, such as personal, ethical and integrity. On the other hand, the diplomatic character is one of the pre-requisites of the international law, as it protects the interests of a state abroad.

We will discuss the term of diplomat, its concept, the persons who have this character and the requirements that should be possessed by a diplomat, ranks of diplomats who work in diplomatic missions abroad and those who protect the interests of the state.

The research ends with a conclusion with the most important results and recommendations.

Keyword: International relations, diplomatic, missions, organizations>

Introduction

The improvement and development of international relations among the states mainly relies on the acts of diplomatic mission staff. The more they enjoy high diplomatic character, the more capable they protect the interests of their state and establish good international relationships with other states.

The importance of this research is based on the fact that diplomatic missions are one of the key channels that achieve international peace and security, as well as protecting the interests of the state in the legal, commercial, social, economic and political issues. Accordingly, the states always attempt to choose diplomats among those who possess the features required by the diplomatic profession; they open diplomatic academic institutions to provide those people with the training and education relevant to the diplomatic profession. In this context, no state can protect its interests without having a diplomat with high level of intelligence, ethics and specific features.

The problem of this research stems from the fact that a diplomatic character plays a significant role in establishing international good relations among other states, while creating opportunities to achieve stability and security among the states. However, a diplomatic mistake may expose his country to various problems that might affect the interests of his state. Therefore, it is necessary to choose diplomats who enjoy specific features that qualify them to do the diplomatic mission and the choice of wrong people may cause damages to the interests of their states.

As for the methodology of the study: diplomacy features are the most important themes of this research and therefore, the paper was divided into two important parts namely: the diplomatic character and the diplomatic ranks.

First: The concept and features of a diplomat

1- The term “a diplomat”:

Various terms are given to individuals who represent their states abroad. The term “Diplomat” has been translated into various terms in Arabic such as: “diplomatic representatives”¹, the Central Division for External

¹ Ahmed Hilmi Ibrahim, *Diplomacy- Protocol, Etiquette and Courtesy*, Book World, Cairo, 1976, p. 49, and Dr. Abdulmajid Al Qassab, *Diplomatic Hints*, Dar Al Kutub Publishing, Lebanon, 1980, p. 88.

Affairs and Diplomatic Missions¹, international relationship commissions², the Foreign Service³, diplomatic envoys⁴, political representatives⁵ and the political System⁶.

Vienna Convention for Diplomatic Relations for the year 1961 called the individuals who represent their states abroad the term “Diplomatic Envoys” and this term was translated into Arabic as (the Diplomatic Messengers⁷. However, this translation was not appropriate since the messenger in Arabic corresponds with the word Diplomat in English.

In addition, Vienna Convention for Consulate Relations of the year 1963 called the person who considers the interests of his citizens abroad as the “Consul”. However, this term was not translated into Arabic and stayed as is in English.

In this regard, Vienna Convention for the special missions for the year 1969 titled those special envoys as (representatives of the state).

Despite the fact that the term used in Islamic Shari’a states that the person who represents his state abroad as (an ambassador) if he is one person, and the (embassy) if there were many persons at that embassy (messengers or envoys). These terms are better than the Greek term for diplomacy. However, we preferred to use the term (the diplomatic envoy) that is used in Vienna Convention for Diplomatic Relations for the year 1961 since it is conveyed into Arabic and since all Arab states use this term.

2- Proof of the Diplomatic capacity

Ministries of Foreign affairs in most states put lists of names of the authenticated diplomatic envoys therein who enjoy the diplomatic capacity. In addition, the states provide special IDs that prove their diplomatic capacity based on a request from the diplomatic mission for which that individual reports. When necessary to know whether the person has the diplomatic capacity, then there is a need to refer back to the lists that are certified at the Ministry of Foreign Affairs.

The passport can not be a proof that a person enjoys a diplomatic capacity. We can not assume that anyone who has a diplomatic passport hold this capacity, since the states issue a diplomatic passport to all members of the mission and the employees who travel abroad, as well as to those who practice the diplomatic mission or not in order to facilitate their mission. Accordingly, to know the diplomatic capacity of a person requires referring back to the certified lists at the Ministry of Foreign Affairs as it knows each one who has this capacity on its lands or territories and their numbers in each mission. This can be attributed to the fact that the one who has this capacity enjoys privileges and diplomatic ammunitions other than the persons who do not have it regardless of their vocation or social status.

The lists of the Ministry of Foreign Affairs for the persons who have the diplomatic capacity are approved in the invitations and ceremonies organized by it or by other diplomatic missions.

At an international level, the Ministry of Foreign Affairs in the host state notifies the concerned authorities that a specific person holds the diplomatic capacity⁸, but not the passport or the diplomatic ID⁹.

This requires all departments and institutions of the state to ask the Ministry of Foreign Affairs to notify it whether a person enjoys privileges, ammunitions and tax exemptions. The violation of this rule damages the interests of the state, and if the Ministry of Foreign State knew that a persons who enjoys such privileges, then it is necessary to define these benefits and privileges as a task of the competent body such as courts and tax department ... etc, but the Ministry of Foreign Affairs is not the authorized body to control its decisions thereafter.

¹ Dr. Ali Sadeq Abu Haif, Idid, p. 33.

² Dr. Aisha Rateb, Diplomatic and Consulate Hierarchy, Dar Al Nahda Al Arabia, Cairo, 1963, p. 30.

³ Sir Haold Nicolson , Diplomacy, Oxford University Press 1964 p. 112.

⁴ J, G, Stark . Introduction to International Law ,7ed. Butterworths London 1972 ,p. 384.

⁵ Refer to the law of political representative in Iraq No. (4) of 1935 that was called political representative.

⁶ The Law of the Iraqi External Service No. (22) of 1976.

⁷ In French, the term Diplomatie is used instead of Diplomatic and the term Diplomate instead of a diplomatic.

¹ Article three of the Law of the privileges of political representatives (No. 4 of 1935) states: “if a person claims that he enjoys any of the above said ammunitions (article one of this Law), then the judicial proceedings or other actions shall be stopped until a certificate is issued by the Minister of Foreign Affairs as per Article 2 above.

² G, C, Cheshier , Privite4 International Law . Oxford 1961, p. 165.

On the other hand, if the Ministry of Foreign Affairs decides whether a person enjoys or does not enjoy the diplomatic capacity, then its decision is deemed as final and may not be appealed before any judicial or administrative body regarding the diplomatic envoys.

In terms of deciding the number of diplomatic envoys who work for the mission in the host state, their state has the choice to decide their numbers provided not to exaggerate thereof, while considering the circumstances and traditions prevailing in the host state and depending on the needs of the concerned mission¹. The host state may not refuse to increase the number of diplomatic envoys, unless otherwise there is an agreement between the two states².

3- Capacities of the Diplomatic

Since diplomacy is a science and an art, then this practice should be by persons who have full knowledge about the rules of this science through study, review and continuous practice and should have studied and specialized in the field of diplomacy after reviewing the scientific resources. On the other hand, since diplomacy is an art, then those who practice it shall enjoy talent that qualify them to practice it as an art that can not be practiced except by individuals who possess the talent of expressing and mastering this art as required. Moreover, that person shall have characters that qualify him to practice diplomacy.

The best people who have the characteristics of diplomacy are the Arab Muslim people. Therefore, we will take from the Islamic Arab values that have a significant role in building the diplomatic character.

Based on the above, we will discuss the appearance, essence and obligations of the diplomat through the following themes:

a. The Name of a Diplomat

Currently, the diplomatic regulations stipulated that a diplomat shall have a good name and nickname to be called by and know with. The good name contributes and peoples' likeness to the called on. In most cases, the good name contributes and a reputation and knowing its name in the community where he lives. People may deal kindly to a person even if they do not see him, just because they heard about him. In most cases, the named person is treated by his name prior to knowing his essence.

As for the unpleasant name, it mostly provokes disgust and hatred and un-comfort, and as a result, people will not treat him kindly until the elapse of a while when knowing his essence. Accordingly, the diplomat's good name has a significant effect on his character³

b- The Appearance of a Diplomat

The good appearance means that a person shall be elegant, active with good suitable parts of the body without a deformity or a disability in any part of his body.

In this context, states attempt to choose its diplomats of those who enjoy a good appearance and nice structure that pleases the viewers. They do not choose a person with an ugly face or disability in any part of his body, even if he enjoys good mental abilities. Since a diplomat should be ready to meet kings, princess, ministers and dignitaries in the foreign states, then he should have an appearance that amuses the self and instills the spirit of

¹ Article 2 of the privileges of the political representatives (No. 4 of 1935) states: "the certificate issued by the Minister of Foreign Affairs to consider a specific person as one of those stated in article 1 of this Law and stating the degree of immunities for that person, which is considered as final.

² Article 11 of Vienna Convention for Diplomatic Relations of the year 1961.

³ In general, Islam prohibited addressing by nicknames and names that negatively affect the addressed person. Al- Hojorat Sora, God Al-Mighty says: "Do not use nicknames which are bad ones and hated after belief". In the meaning of a verse from the Holly Qor'an: Do not do what you hate and if so, then a one who does will be treated the same way. Omar (God may be satisfied with him) said: use good nicknames as they are accepted by people. In addition, it is said that his name reputed amongst the people whether as being generous or greedy. Prophet Mohammed (Peace be Upon Him) ordered to choose a diplomat who has a good name. It was narrated by the Prophet that he said: "if you sent me a letter, send a person with good face and name and if you sent a letter, send a messenger. It was said the post messenger for optimism due to his good face and name. Faydh Al Qadeer, Sharh Al-Jame' Al-Sagheer for scholar Al-Manawi, Voll, p. 235.

love. However, God Almighty created man on the best way, and Said: He structured you with the best shape and provided you with good Rizq¹.

In this regard, the variation of pictures/ shapes does not result in differences in the religious obligations and burdens but leads to a variation in the diplomatic responsibilities and tasks. Upon choosing a diplomat, the degree of his beauty whether he is a messenger or an ordinary person, who was chosen to convey a message. This kind of choice does not contradict with God's saying about creating man, as the choice of good shape to implement a diplomatic mission is not related to faith but to facilitate a mission, fulfill a need or solve an issue².

In addition, the beauty or bad appearance is the creation of God and the individual has not control thereof. God does not look to the beauty and ugliness of a Muslim as a believer, but looks at his heart and actions regardless of his appearance. As for the diplomatic envoy, people look at his appearance more than his heart and acts. If a sender wants to choose as messenger to other people, then he send someone who can affect and convince the recipients even if the sender has a different opinion about the messenger, as the important thing is to affect the recipient/s. if God looks at the heart and acts of a Muslim while evaluating his belief since they are a part of the faith status, then the evaluation of the messenger based on the good appearance and shape are also a part of the belief status.

In this vein, Prophet Mohammed (PBUH) chose his messengers to the kings and princess from the non-Muslims of those who had good appearance. The first one chosen was Mus'ab Bin Omair, who was sent to Madina to arrange immigration. Mus'ab was one of the wealthy people of Mecca. In addition, the Prophet chose Dahi Al-Kalbi as a messenger to the Romans' king since he enjoyed a good degree of beauty.

c- The Appearance of a Diplomat

The good appearance means that a person shall gather the cleanness of body and clothes and coordination in the colors of his clothes, their kinds and appropriateness to the tastes and habits of people. In addition, he should by with high elegancy, attractive, loved, and traced by the eyes and hearts and selves like to deal with him.

The good appearance does relate to the creator, but relies on the choices of the created. It is a case a person gains by observation and view and self – care. As for the good appearance of a diplomat, he should be aware about the peoples' habits and customs and tastes. Moreover, he should be an artist in being elegant and to arrange his shape and in choosing and coordination his clothes, but to be away from any discord that causes people disgust.

Prophet Mohammed (PBUH), as a messenger, was so careful about himself, likes beauty, cleanness and good appearance and always used to take care of his appearance, whether at home or in the public life³

4- Language of the Diplomat

The current diplomatic protocol provided that a diplomat shall be of good shape and appearance, but this shall not be on the expense of his diplomatic character. Since good appearance and shape are keys to achieve the essence of the diplomatic character, which is deemed a keystone in the diplomatic mission; the successful diplomat is the one who can breach the hearts of the recipients, convey the message he has and convince them about its content.

¹ A diplomat is a good name. it was narrated about the Prophet as saying: if you sent me a letter, send a person with good face and name and if you sent a letter, send a messenger. It was said the post messenger for optimism due to his good face and name. Faydh Al Qadeer, Sharh Al-Jame' Al-Sagheer for scholar Al-Manawi, Vol1, p. 235.

² Ghafir Sora (verse 64) and it was narrated about the Prophet as saying: if you sent me a letter, send a person with good face and name and if you sent a letter, send a messenger. It was said the post messenger for optimism due to his good face and name. That is because the ugly face and hated, and the needs of the nice person are more accepted to be fulfilled. In addition, the good face can achieve a need that an ugly can not. Each person who can fulfill the needs of life and do that for the end day and because the beauty proves the virtue of self; the light of self can be notices through the body. The scene and essence are mostly linked together. Therefore, the good people knew generous individuals based on their body appearance and said: face and eye are the mirror of the content. Thus, anger and joy can be notices on such person/s. It was also said that: the face is the address of the self. Faydh Al-Qadir, Sharh Al-Jami' Al- Sagheer, for Almanawi scholar, idid, p. 311.

³ He (the Prophet) used to talk and advise about this. He liked luxury and blessings, did not apply asceticism in his external appearance, but liked to appear with pride, beauty, youth and power to be viewed awesome and awful. Yousif Bin Isma'il Alnabhani, Al Anwar Al Mohammadia in life gifts, Beirut, p 250

Among the significant matters in the essence of the diplomatic character are the eloquence of tongue, with knowledge about the language of the recipients, with good origins and high ethics that enable him to influence the hearts of the people easily.

a- Language and Dialect

Among the postulations that should be possessed by a diplomatic envoy is to be of a good tongue eloquent, that enable him express his ideas and thoughts clearly and to convey the message easily. In addition, he should use appropriate terms and meanings according to the conception and understanding of the recipients, while using nice structured words that attract the listener.

In this context, it is worth mentioning that the diplomat's weapon is his eloquent tongue; the more he was fluent, the more could he control things and express his sender's message and gain the battle. Therefore, states are more interested to educate the diplomats linguistically. Most often, they choose the ones who master the arts of language, especially if there are various recipients with different cultures, origins and attitudes. Furthermore, the successful diplomat is the one who can enter and gauge to them according the status and ability of each party; he talks to affect the hearts of people and get their response and understanding. However, he shall not deviate from the main theme, talk or say things that are not understood, separate what should be connected and must perform the mission on the best way without shortcut or exaggeration.

Among the reasons of the success of Prophet Mohammed in conveying the message is that he was the most eloquent person on earth; he was a good speaker, fast performer, with sweet speech, affects the hearts of others, talks clearly and in details and the listener can repeat his words since he was not fast or interrupting with pause periods¹.

While talking, a diplomat shall consider the following:

- Fast performance of speech which does not mean without being clear, but the fast response and intuition.
- Clear details. Without mixing words together, but needs to separate among them.
- Talk quietly so that a listener can repeat what was heard.
- Without interrupted words.
- While speaking, there should be silence periods for reflection by the speaker and listener.
- Repeating the important words three times so that a listener can memorize.

The good protocol in the ethics and abilities of a diplomat required that he should not speak until after listening to the suggestions and opinions of the recipient, and after that, the picture becomes clear and a diplomat can decide the suitable situation as he may give the other party a chance to speak unless that is unexpected².

Based on that, a diplomat shall master the language of his state. The Arab diplomat shall be able to speak good Arabic and it is a shame that an Arab diplomat meets with a foreigner one and finds that the foreigner speaks better than the Arab diplomat.

The skill of a diplomat appears when he masters the language of the people to whom he is sent. As a result, advance countries are keen to send envoys who master the language of the country they are sent to, so as to be able to perform their mission appropriately. However, translation usually creates a psychological barrier between the speakers, and an interpreter may not do his job as required, or he may commit mistakes in the translation, or can not continue translation due the speed of the speakers and he may not be able to follow up with them, causing him to skip some important matters. In addition, translation may not keep the confidentiality of the discussion (the translator might be an agent for another entity). To avoid that, states used to teach their envoys the language of the country they are sent to³.

¹ Mohammed Lutfi Jum'a, *ibid*, p. 219

² In this field, Prophet Mohammed (PBUH) was a diplomat; he only speaks after the other party finishes, then He asks him: have you finished?. Afterwards, He starts speaking after comprehending the ideas, desires and intentions of the other party.

³ Mohammed Zeki Badoun, *Al-Noor barricade in the Prophet's biography*, Dar Al-Kitab Alarabi, Lebanon, p. 80. Since God's message require accuracy in conveying the message due to the accurate rules it contains, God Says: We have never sent a messenger unless if he talks with the dialect of his people to show them God's blessing. (Ibrahim Sora, verse 4).

On the other hand, among the features of successful diplomat is to master or be fluent in the various dialects. This is considered one of the most important tools for his work. In this regard, he can know the intentions and convey a clear and easy message to the others.

Furthermore, despite the huge and rapid development in the field of interpretation, still, knowing the language of the recipient is the best means in the accuracy of negotiations and in conveying a direct clear message. In addition to that, to know the language of the people a diplomat speaks to keeps information secret. In many cases, interpreters are employed for spying and to transfer information. For this reason, states are keen to teach foreign languages to their envoys since they establish specialized institutions for language teaching. However, if it is necessary for a diplomat to know a language, then knowing the local dialect has more benefit; it allows him talk with a language that makes him closer to them and in return, they can understand him more clearly and accurately.

b- Knowledge with the diplomatic terms

If a diplomat masters a language in a good way, then he should know the diplomatic language. The diplomatic language is the one which a diplomat uses while talking during interviews, meetings, ceremonies, speeches or correspondence.

In this vein, the diplomatic language is a one that is polite and balanced. It is a kind gentling one without showing clashes and aggressiveness. It shows a diplomat as messenger of peace and friendship. He continues with the same manner until a war erupts between his state and the other. Hence, a diplomat attempts to use balanced and well-studied statements and avoids those which provoke others' anger, justifies the position of his state and shall be away of the state of anger or rage.

Moreover, this requires a diplomat to view the transacted diplomatic terms and any mistake in using such terms may expose his state to various problems. A diplomat must know all issues relevant to immunities and benefits as well as courtesy words upon the visits of dignitaries and welcome speeches by senior officials in the host state.

In this regard, it is noted that a diplomat is the mind of his assigner; he is a live picture for the characters of his people and is the one who expresses their ideas, culture and ethics. In order to influence the area where he works in, he should have good features and straight ethics, honesty clearness and good intentions and manners. In addition, he shall avoid any act or behavior that may negatively affect his status or character, since his actions and behaviors are not attributed to him, but to the sender (his state).

We think that the best weapon for a diplomat is the Islamic ethics; Islam has been interested in the good ethics and considers rapport as a fruit for good ethics, while considered division as a fruit for bad ones. The good ethics require love, rapport and harmony among the people¹.

The concept of the diplomat's ethics are not in facing God and people only, but a human manner reflected on the actions and emotions of the person, while angry, walking and all of his actions. A diplomat's work require to minimize his emotions and feelings; if he hates something, he shall not express that on his face and may laugh and show astonishment causing people to laugh. He shall be quiet without noise or laughing loudly, but draw a smile on his lips².

In addition, a diplomat shall be able to read the thoughts of his listeners and know the extent of their interaction with him. He has to avoid nonsense words and to be brief in his speech to avoid boring and shall make his speech short and brief³.

The task of a diplomat is to meet the senior officials in the host state; he should be well-prepared to know how to meet them appropriately, know how to sell the words that are fit with their positions and the nature of his mission as well as the one who represents him not to forget the state that assigned him and the nature of the relationships between the two states. However, that does not mean to exaggerate in using words without meaning, or to have a ready-made group of words which he does not know their meaning, just says them in praising anyone he meets or talks to. In such way, he will lose his credibility and his praise would become automatic and natural.

¹ Refer to the speeches of the Prophet (PBUH) and resources of production: reviving religious sciences. Classified by Imam Abi Mohammed Al Ghazali, Alhalabi publishing house, Cairo, 1967, p 200.

² Endnote of Awn Al Ma'boud on Sunan Abi Dawood, Vol. 4, idid, p. 317.

³ Ibn Al Atheer, Vol. 11, Al Kamel fi Al Tarikh (the complete in history), Dar Sadir Publishing, Beirut, 1965, p 252.

c- Courtesy of a diplomat

among the most important features of a diplomat is to have good ethics and to be kind, gentle, loving for people, generous, polite without being hypocrite, honest, peaceful, self- rich, treats people kindly according to their positions and ranks, masters methods of introduction and being close to people, kind to himself, family and the others, kind while traveling, patient and polite when provoked, does not show anger, persistent in performing the tasks, smiling during good and crisis times, with stable character in all life situations (happiness and disasters).

In practice, it is difficult to find someone currently having such features. Therefore, states attempt with all means to build the ethical character of a diplomat from a formal perspective. This means that a diplomat pretends as having such aspects while his inner contradicts his logic and actions. He pretends ethics and annoy according to the interests of his state, he may act against his beliefs, and we may find him kind and gentle in an occasion, while hard and anger on another.

In fact, we can say that the successful diplomat is the one how has a double-personality: one for good and the other for evil, according the interests of his state. On the other hand, the Islamic Shari'a stipulated that ethics should be a feature for a diplomat both in shape and essence. Some of these ethics are required from every Muslim, and others are required from a diplomat according to the conditions of the mission assigned to him.

5- Respect

Among the aspects a diplomat should have in these days is to be loving for people. If love is an instinct in the person and has no control thereon, then to hide anger, emotions and patience are things that make a diplomat closer to people and allow him convey his message on the best way. In this context, a person who has love or hatred can show it in his acts; some of the things are kept within the self and a property for him as he can not state them for many reasons. The more a diplomat was able to hide his anger and emotions, the more he got closer to succeed in his mission. A diplomat does not behave based on his love or hate against the recipient, but all his acts shall be governed within the limit of the mission and therefore, a diplomat may suffer of the double-personality; he may pretend love or hatred towards the others, despite his emotions and feelings, since his mission require thereof. However, if his feelings were compatible with his actions before the recipient, then a diplomat is more expressive in performing his mission.

In other terms, if love and hatred are instinct out of man's control, but respect is not the same. It is a human behavior issued by a well of the person and he controls it. A diplomat is governed within the framework of performing the mission assigned to him.

Excess in love or hatred are not desired, since the relations should be balanced. In this regard, today's friend might by tomorrow's enemy. If a diplomat loves something, he should exaggerate thereof because perhaps things change into hatred and thus he should not excess in his love and then feels regret once he hates and he should not excess in hatred, then he feels shy once he loves it¹.

Moreover, among the matters that make a diplomat loved by people is to keep a smile during his mission. The successful diplomat has a smiling face to anyone he meets. Love and ethics are interrelated, no love without ethics and no ethics without love.

6- The diplomatic treatment

The kind treatment is one that makes people close to a diplomat and make them love him. If they need him in an issue, he would facilitate difficulties before them. In a diplomatic mission that closes its doors in front of its citizens abroad or before the citizens of the host country, the diplomats do not receive the people's respect since they do not facilitate their matters and are not kind to them. Being kind and paying respect to people are among the difficult things that a diplomat encounters. However, due to the differences in peoples' natures and habits, the natures of someone may not be consistent with the others. When it is necessary to respect and be kind to him, then this requires hard efforts, patience and acting against the inside feelings. Such matters are not easy for a diplomat, since they cause a lot of suffering.

One of the things that a diplomat should comply with is virtue by being self- generous and avoid material thins regardless of their kind and nature. In most cases, a diplomat falls a victim for the enemies who make use of him and get through him from this weakness point, and thus he is recruited for the benefit of the enemies of his state, by selling himself and state.

¹ Faydh Al Qadeer Sharh Al- Jami' Al Kabeer, for the scholar Al Manawy, Vo.1, ibid, p. 176.

7- introduction

It is clear that a diplomat meets or visits many people in their offices. Those people vary according to their positions, ranks, ages and religious, social, scientific and literary attitudes. It is assumed in a diplomat to respect all people regardless of their positions. However, each of them has appropriate kind of respect. It is not admissible to respect the minister of foreign affairs more than the president of a state. Consequently, states put specific protocols upon receiving foreign envoys of senior positions.

Prophet Mohammed (PBUH) urged Muslims to treat people according to their positions and features and put a general rule for that. It was narrated that He said: receive people according to their positions". This means to treat each person according to his position/ rank in religion, science and honor. The speech urges to appreciate people according to their ranks and positions and to prefer some of them on others in the seating and other rights. It was narrated by Aisha she said: the Prophet ordered us to seat and receive people according to their positions"¹

A diplomat might meet some people whom he did not meet before, and some of them might be of higher or senior ranks in the hosting state. The method of talking to them without knowing their personal capacity may decrease their status or may not have the required respect, which will result in a tension of relations between the two states. Accordingly, a diplomatic shall know the persons he meets prior to starting to talk with them.

8- Modesty

Modesty in fact means abandoning a right for reasons required, while shyness (in language) means a change and a break that characterize man due to fearing as having a defect. In Shar'ia there are ethics that cause to avoid evil and prevent negligence in the rights of people. It was said that shyness prevents a shy person from facing the one/s who commit evils. Shyness that arises due to violating the rights is not a legal shyness, but a disability and an insult. It causes to leave evil. The current international law is not based on the good virtues or shyness, but based on the interests. Wherever a state finds its interests, it guides its diplomats to serve achieving and protecting this interest. There is no shyness in the contemporary international law, because shyness affects rights and obligations.

In this context, a diplomat refuses to affect the rights of his state even if it is a minor, since he is only there to protect the interests of his state, while disdain means disdaining his state even if this disdain is moral and not material. If a seat is assigned for a representative of a state in a ceremony which was different from the envoys of other states, then this is consider as an insult to his state, while accepting this situation means an insult to his state. Consequently, he should object, and the host country should apologize to his state, otherwise, his state will treat the envoys of this state similarly; there is no shyness in the contemporary international law.

On the other hand, modesty is the same as shyness which is not applied in the current relations among the states. Since pride is one of the requirements of sovereignty regardless of the size of the state. The pride of a state relates to the pride of its diplomat envoys; they behave with pride not for themselves, but since they represent their states. A diplomat pretends this attitude even if he is modest in his routine life. Therefore, diplomats wear the best luxurious clothes and ride modern cars and live and luxurious houses. They also behave as presidents of states. However, modesty requires avoiding arrogance, and a diplomat should provide care to all interests of his state and shall deal with all people to serve these interests.

One of the things a diplomat should have is to be honest with the state which he represents; to convey its message to the host country and shall be honest to convey information. He should not lie about the information he is entrusted to, but negligence thereof will expose him to legal or administrative accountability by his state. In addition, if a diplomat is not sincere in performing his duties appropriately, will cause damages to the interests of his state or into a tension in the relations between his state and the hosting one.

By the honesty of a diplomat, it is meant to convey information that is required to the host state, he shall not review or check whether this information is correct or wrong; it is not his job, since he does not represent himself but his state; he is an agent and conveyer to the other party, and has the right to show his opinion in the matters he obtains.

A diplomat is required to be honest with the hosting country in terms of his appointments, undertakings and to convey what is required from him in a correct way. However, honesty required by the diplomat does not cause him to uncover the secrets of his state to the hosting one claiming that honesty is not a crime that require punishment. A diplomat should be confined in the matters assigned to him and may not uncover anything he

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knows, but to convey what is required and abstain from other matters even if they serve the interest of his state, since his state is the one that evaluate its interests, but not the envoy is the one who puts the external plans for his state; there are specialized departments to perform such tasks.

With that, honesty required from a diplomat is to be honest in conveying the message or mission assigned to him appropriately. He has the right to abstain from uncovering all what he knows about his country; it is not admissible to take honesty as a means to uncover information that affects the security and control of his state. In specific cases, he has to lie in order to defend evil against his state or if that serves its interests.

9- Managing Diplomatic Conferences

One of the issues of concern by the diplomatic law is the diplomatic meetings; they include political meetings with the senior officials of the host country, attending conferences, ceremonies, seminars, meetings and the diplomatic local and international celebrations that are convened to discuss political, economic, military, social and other international issues.

These activities are organized by on specific diplomatic regulations that are called (protocol or etiquette). They are rules that consider organization, work experience, positions/ ranks, courtesy, official ceremonies, method of seating and the nature of relations between the two states.

Accordingly, the diplomat's attendance should reflect his state and reflect a good picture thereof. He should be elegant, clean, cute and committed with the timing and attend on the specific time and place, sits only in the allocated seat, or to choose a suitable place that fits with his position as a representative of his state and rank in the diplomatic hierarchy and rank among the foreign diplomats, as well as the place of his state among the represented states in the hosting country, to abide with his role in the discussions. In addition, he shall only speak when his turn comes, but within the topic of discussion, comply with the time of the session and according to the response and enjoyment of the audience with his speech.

Moreover, a diplomat shall sit in the allocated place. However if not specified seat is assigned to him, then he may choose a suitable place. He should sit in an organized way according to the protocol and the method of seating.

In most cases, the staff in charge for organizing the seating during conferences, seminars and meetings inform the diplomat about his place of seating. It is necessary to take into account special procedures to prevent differentiation in the process of diplomat seating so that none of them is preferred on the other. The time of arrival and departure is decided and names might be written on the seats to avoid confusion in the seating process. In addition, ashers are assigned to guide the diplomats to their place of sitting.

10- The Diplomat's Behavior

It is necessary to differentiate between two cases: the case of official speech of the diplomat and the case on engagement in the non-official conversations. In the first case and when the speech is official, he shall comply with the procedures of negotiations as defined by the international law, whether such negotiations are dual or group, such as participation in the international conferences, seminars and scientific conferences. In such case, the diplomat does not speak unless required by his state and within the limits of his accreditation letter which he was provided with and within his powers.

As for the second case, namely the special conversations, courtesy and the personal conversations (informal). A diplomat even if he represents himself (in this case) but he shall always remember that he represents a state and that any words or conversation are taken seriously. In this context, it is worth stating that most official conversations that take place behind the scene are informal or discussed while having a meal.

In all cases, a diplomat should be diplomatic in his words and skilled in managing the conversation, capable to know the intentions and purposes of the party with whom he speaks, and shall assume the bad intention with the other party of speech until the opposite is proved.

In this vein, a diplomat shall not make a dialogue in matters he was not asked to participate in, or was not asked to speak about, since a successful diplomat should not be over talking and must be brief in his speech so as to avoid tongue slips.

11- The Diplomatic Invitations

Among the means of introduction and closeness among the states are attending meals and exchanging gifts among the heads of states, senior officials and the diplomats.

However, if an invitation is sent to a diplomat to attend a meal party, then he shall not attend it just to have food, but in order to attend the meetings. Most often, political, economic or military issues are discussed during such occasions. In addition, during these events, important matters are discussed and consequently, he shall attend them and not to apologize claiming that he does not want to have food.

If there are circumstances that force a diplomat not to attend these events, he shall apologize thereof, and if he does not apologize, then it might be explained as a political situation, unless if he justifies that by being busy in important issues and he shall notify the concerned authorities thereof.

On the other hand, a diplomat shall continue to attend the seminars and conferences until the end. He shall not leave his seat until completion and the departure of all. Since his departure from such meetings can be explained into a specific situation. For example, if a participant was talking and the diplomat left the session, then such an act is explained as if is interrupting the speaker, which is considered a political situation.

In addition, if there is a need to leave the place while being convened, he shall clarify that prior to the start of the sessions. In case of emergencies, he shall announce that he has some business that require him to leave and apologize from the attendees.

Moreover, if he leaves due to emergency circumstances, then he shall apologize, salute the attendees and wish to meet them soon.

In other cases, a diplomat may not feel comfortable for a subject being discussed, but this does not justify his departure; topics that concern his state may be proposed, which require him to be available and patient until the end of the meeting.

However, if diplomat intended to leave in order to interrupt the speakers or if he wants to express objection on a speech he heard or due to an act that did not satisfy him, then he shall leave without saluting the participants.

Second: Kinds of Diplomats

Since a diplomat is the one who implements the policy of his state in its external relations with other states, then a one who handles this task is considered a diplomat. This mission is handled by the president of the state and members of the government as well as the people who are sent by the state in its permanent missions abroad or in special missions.

We will discuss these kinds through the following themes:

Vienna Convention for Diplomatic Relations (1961) called the phrase (the diplomat envoy) to the head of the mission or one of its diplomatic staff¹.

1) Chef of the diplomatic mission

He is the person who is in charge for managing the diplomatic mission and all members of the mission are subject to his instructions; he is the one who represent his state in the host country². Vienna Convention defined him as: the person who is assigned by his state to act in such capacity³.

In order to enjoy the diplomatic capacity, they should have the following:

- His state should give him the diplomatic capacity. His state has sole freedom to give him this capacity. Giving this capacity is an internal issue for each state and no relationship with the international law.
- The host country shall accept to approve him as a head of the mission while if it refused thereof, then the delegating state may not object against that.
- To present his credentials to the ministry of foreign affairs of the host country⁴.

2) The ambassador: the highest rank in the diplomatic missions abroad and assigned by the president of his state. He may not work in the host country until its consent to approve him. In addition, he shall not start his

¹ Par (e) of Vienna Convention for Diplomatic Relations (1961).

² Philippe Cahier, op. cit, p. 78

³ Para (1) of Vienna Convention for Diplomatic Relations (1961).

⁴ Gerhard Von Glahan, Law Among Nation An Introduction to Public International Law, Macmillan, London, 1970, p. 388.

work until after submitting his credentials before the head of the state or the one who authorizes him through a special official ceremony. The term of his work is usually three years. At the end of his term, he shall farewell the head of the state (the host country) or his representative.

The ambassador represents the president of his state before the host country, and he represents the ministry of foreign affairs and other ministries, with the right to contact the president of the host country and ask to meet him as well as asking to meet all senior officials therein.

3) The Vatican Representative

The Vatican represents the following missions:

- a- The deputy or the vice Pope: he is one of the cardinals and his rank equals an ambassador above the customs. He is a special envoy for the Pope before the catholic states. In addition, he performs more religious tasks than political ones and the nature of his position is temporarily.
- b- The Pope Ambassador: a representative of the Vatican state, who is in charge for permanent political tasks and is chosen from the cardinals, he is one of the Celeries and equals a rank of an ambassador.
- c- The messenger envoy: represents the Pope before the Celeries- the local Catholic¹.

4) The Minister in Charge

He comes in the second rank after the ambassador. Usually he is called the commissioner or the one who has sole power or the representative above the custom. The mission chaired by this authorized minister is called the commission. When there is an ambassador in the diplomatic mission, the minister in charge is the second person in the mission, or he protects the interests of the citizens of this state, and thus he is called the general consul in addition to his diplomatic capacity². As for the resident minister, he represents his state permanently. This name came from X Lachel Conference (1818) and the states currently call their representatives by this name³.

5) Charge d' Affaires: the last rank of the heads of the diplomatic missions. States only send a Charge d' Affaires to represent it when there is a coldness in the relations between two states, or due to economic reasons when the financial conditions of the state require shortening its missions abroad or due to the head of the mission's inability start his work. The Charge de Affaires has no right to directly communicate with the president of the host country⁴. When the ambassador travels he should assign a deputy to handle and manage the embassy and its affairs during his absence⁵.

6) The Diplomatic Staff

Vienna Convention for Diplomatic Relations did not specify the ranks of the diplomatic staff that enjoy the diplomatic capacity, but left that to the local laws of each state since it is an internal issue for the first grade. The phrase (a diplomatic employee) was mentioned in various texts of the Convention and considered him as one of the mission staff who enjoy diplomatic capacity⁶.

In this context, Vienna Convention put two conditions so that an employee will enjoy the diplomatic capacity, namely:

- To have the nationality of the state of the diplomatic mission for which he works. However, if he has another citizenship, then he shall not work in the mission without the consent of the host country, and the latter may withdraw its approval at any time.
- The host country shall be informed about the employment of a diplomatic employee in the mission and the date of starting work⁷. most countries used to put a grade for the diplomatic degrees as follows:

a. The Counselor: he is the assistant of the head of the mission, provides him with opinion and consultation and takes his place on case of the absence of the head of the mission. He is the second reference of the other

¹ Philippe Cahier, op. cit, p 79 and Dr. Hassan Sa'd, ibid, p. 86.

² G. E. Nascimento e Silva, Diplomacy in International Law W. Sigthoff, Leiden, 1972, p. 70.

³ Philippe Cahier, op. cit, p 79

⁴ Dr. Ali Sadiq Abu Haif, ibid, p. 104

⁵ Dr. Fuad Shubat, ibid, p. 106

⁶ Para (d) of the first article of the Convention stipulated that: the terms "diplomatic staff" refers to the employees of the mission who enjoy a diplomatic capacity.

⁷ Article 8 of Vienna Convention (1961).

members to solve the issues they face and he is in charge to conduct some diplomatic conversations on behalf of the head of the mission, except to conduct meetings with the president or minister of foreign affairs¹.

b. The Secretary: the one who helps the head of the mission or the consultant. He is in charge to prepare reports, receive letters and memos that are sent to the concerned authorities, to decode and prepare telegraphs and issue entry visas and other tasks².

The position of a secretary consists of three kinds: first secretary, second secretary and the third secretary and all of them enjoy the diplomatic capacity.

D- The Diplomatic Attach'

The lowest diplomatic rank and when a person is assigned for the first time in a diplomatic position, then he is assigned as an attach'.

E- The Attache: one of the specialized staff and reports to various ministries and works for the diplomatic missions and reports directly to his ministry. Their job is only to transfer correspondence to their state. Examples of the attaches are: military, commercial, cultural and media, and all of them enjoy the diplomatic capacity.

7- Family Members of the Diplomatic Envoy: the family members of the diplomat enjoy the diplomatic capacity in terms of having immunities and diplomatic privileges the same as the diplomatic envoy. Article (37) of Vienna Convention stipulated thereof but required the following:

a. 1- To be one of his family members who live with him under one roof regardless of their relationship with him. As for the family members of the diplomatic envoy who live in a house other than the envoy's, they do not enjoy the diplomatic capacity even if they are the closest family members to him or if he legally supports and spends on their living.

b. His family members shall not be citizens of the host country. However, if they citizens of the envoy's country or another state, then they will enjoy the diplomatic capacity.

c. The diplomatic capacity shall be limited with immunities and diplomatic privileges only. The members of the envoy do not represent their state, and it is not admissible to consider their statements as expressing their state and the host state shall not address them. However, the diplomatic capacity is limited only in the immunities and diplomatic privileges.

D- The diplomatic mission shall notify the ministry of foreign affairs about the names of the diplomatic envoys. This was not required in Vienna Convention, but was established by the diplomatic protocols. In addition, this means that the family members of the diplomat whose names are not sent to the ministry of foreign affairs of the host country, do not enjoy the diplomatic capacity, but sending their names is considered as a facilitation for this capacity in case they enjoy immunities and privileges.

8- The Administrative and Technical Staff: in the diplomatic missions there is a group of administrative and technical staff who work in various professions such as engineers and doctors who perform tasks that help the mission implement its tasks.

Those staff do not enjoy the diplomatic capacity even if they enjoy some benefits and privileges, but the host country usually gives them the diplomatic capacity. It gives the administrative officer a capacity of (a first or second secretary) once he is appointed in a foreign embassy so that he will enjoy the diplomatic benefits.

9- The Special Servant: he is the one who works in the house service and serves the members of the mission but not an employee of the diplomatic mission. Practical applications in giving those people the diplomatic capacity; some states do not give them such a capacity, while others give them some minor benefits and others give them the diplomatic capacity³.

In this context, Vienna Convention left the issue of giving the special servant a diplomatic capacity to the host state. If the host state wants to give or deprive him from this capacity, but it is obliged to exempt him from the taxes imposed on wages provided not to be one of the citizens of the host country or the foreigners who live permanently therein⁴. However, this does not mean that such mission can manage this task in all occasions; the increase of the size and interests that require fast and direct communications with the help of special experiences

¹ Dr. Samohi Fawq Alaadah, *ibid*, p. 119.

² G. E. Do Nascimento e Silva. *Op. cit.* p. 80

³ A. H. Katifi. *Le Probleme de Immunités Diplomatiques du Personnel de Service des Ambassadeurs*. Le Sirey. Paris, 1961 N. 0,19

⁴ Para (4), article (37) of Vienna Convention for Diplomatic Relations (1961).

are not always available in the permanent missions. There is a need to skip the routine and seek the experience of special staff that enable it perform the tasks appropriately. Therefore, we currently find an increase in the special mission in various fields.

10- Members of the Special Diplomatic Mission: the permanent missions are the ones in charge to nurture the international relations in general. In this regard, the term “special missions” means the temporary missions sent by the states to organize the international relations in specific matters that the permanent missions can not handle. In addition, the special missions consist of specialized people in performing the tasks. Special missions end with the completion of the task. Such special missions include specialized people, and in most cases, this includes people who have not diplomatic capacity in their states (not members or employees of the ministry of foreign affairs, but from other ministries), but they have such capacity in the foreign countries to which they are sent to perform their tasks. This capacity ends with the completion of the mission.

The convention of special missions for the year (1969) organized this issue. Article (1) of the convention defined the special missions as: the temporary mission having a representative capacity sent to one of the states with the consent of the host country to handle some specific issues or to perform specific tasks.

The members of the special mission shall enjoy the following:

- a. To be of a representative capacity (e.g. representing a specific state);
- b. To perform temporary tasks but not permanent ones.
- c. To have the consent of the host country.

The delegate of the special mission and his family members enjoy the same capacity as the diplomat and his family members who works in a permanent mission¹.

The special missions may include the head of the state, prime minister, cabinet members and senior officials and all of them and their family members enjoy the diplomatic capacity the same as the diplomats of the permanent missions and their family members².

The mission might be accompanied with administrative staff, technicians, their family member and special servants, and those people do not enjoy the diplomatic capacity even if they enjoy some benefits and diplomatic immunities³.

11- The Consuls: Vienna Convention for Consulate Relations (1963) organized the works of the consuls. It states to protect the citizens of their country and to facilitate their tasks. In addition, the consulates handle the travel of the citizens of the host country and issuing entry visas as well as other tasks relevant to individuals. Since the work of the consuls is not to represent their state, then they do not enjoy a diplomatic capacity even if they enjoy some diplomatic benefits, which are – in all cases- less than the benefits given to those who have the diplomatic capacity. Most states currently attempt to give the consuls the diplomatic capacity through informing the host state that they hold a diplomatic position and work for the diplomatic mission as a first or second secretary, but their mission recommend them to perform consulate works. Accordingly, a consul – in this case- becomes a diplomat but work consulate tasks. In this case, the state attempts to give them the diplomatic capacity and thereafter enjoy the full immunities and diplomatic benefits.

In this regard, there are two kinds of consuls: an original one who is a citizen of the delegating country and the honored consul who is a citizen of the host country. As for the ranks of the consuls, they are: head of the consulate, a first consul, a second consul, a third and vice and deputy consul⁴.

12- Representatives of the states in the international organizations and their employees: two groups of people work for the international organizations. The first: the representatives of the foreign countries in the organization; the second: the employees of the organization such as agents, consultants, experts, technicians, administrative staff and others who are subject to the regulations of the organization.

The UN is considered as one of the largest international organizations that includes representatives of the states who are assigned by their countries as representatives in the organization with the rank of an ambassador or a minister above customs and their employees with the agreement of the UN Secretary, the US government and the government of the concerned state. As for the UN employees who are assigned by the organization, they are

¹ Maria Rosaria Donnarumma, *La Convention Sur les Mission Speciales 1969* (R.B.B.L) Vol. 8, 1972- p. 44 ss.

² Article (31) of the Convention of the special missions, 1969

³ Article (36) of the Convention of the special missions, 1969.

⁴ Dr. Fadil Zeki Mohammed, *Diplomacy in a changing world*, Baghdad University, Dar Al Hikma publishing, Baghdad, 1992, p. 280.

the representatives, agents, consultants, experts, delegation escorts and other staff. Their kinds ranks are decided by the UN General Secretary provided to have the approval of the General Assembly thereof.

The members of UN do not enjoy the diplomatic capacity, even if they enjoy some benefits according to the agreement of immunities and benefits of the UN employees.

As for the representatives of the states in the international organizations, they enjoy a diplomatic capacity according to an agreement between their countries and the head state or between the organization and the state of the head of the organization.

In 1975, Vienna Conference passed a draft of the special agreement to represent the states with the international organizations and accordingly, gave the representatives of the states in the international organizations the diplomatic capacity¹.

Conclusion

The diplomatic character is considered as a diplomatic profession that no one can handle it unless if he enjoys a special character and personality that qualify him to do this tasks. Among the most important diplomatic values is that a diplomat shall be of a high level of good ethics, honesty and possess good personal features and scientific qualifications that enable him to do his job. In this regard, all countries have been working to develop the capacities of the diplomats who work in its diplomatic institutions.

On the other hand, a diplomatic character nowadays is one of the keystones on which the international relationship between the states are based. The more a diplomatic character was good, the more he could perform his mission as required and was able to protect the interests of his state and citizens abroad.

The states' concern about building the diplomatic character have enabled them to protect their interests in a good way and could develop good relationships with other countries.

The researcher concluded with the following recommendations:

- 1- The Arab countries need to build the diplomatic character of its delegates who work abroad, and this requires establishing specialized colleges to teach diplomacy.
- 2- The need to establish scientific research centers for diplomacy that provide care to the development of the diplomatic character.
- 3- The Arab countries shall work to make the diplomatic profession far away from political and party affiliations and choice shall be based on the ability and competency.
- 4- Follow up the diplomats who are assigned in the embassies and attaches and know the extent of their serious efforts in performing the diplomatic mission assigned to them.

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