

DOI <https://doi.org/10.51647/kelm.2022.5.39>

POJĘCIE I ROLA PROTOKOŁU DYPLOMATYCZNEGO W STOSUNKACH MIĘDZYNARODOWYCH

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Adnotacja. W artykule zbadano pojęcie protokołu dyplomatycznego oraz ceremoniału i etykiety przede wszystkim jako narzędzi wpływania na stosunki państw między sobą. Podkreślono znaczenie protokołu w stosunkach międzynarodowych, podano ogólną charakterystykę jego składników, wskazano ogólne i charakterystyczne cechy takich terminów, jak „protokół dyplomatyczny” i „ceremoniał”. Należy zauważyć, że protokół dyplomatyczny jest integralną częścią dyplomacji, jej narzędziem politycznym, formą, której towarzyszy każda akcja polityki zagranicznej państwa i której przestrzegają jej przedstawiciele. Obowiązkowe jego przestrzeganie jest konieczne podczas uznawania nowych państw, nawiązywania stosunków dyplomatycznych, mianowania szefów misji dyplomatycznych, wręczania poświadczeń, przeprowadzania wizyt dyplomatycznych, prowadzenia negocjacji i rozmów itp. Rozważane są przypadki lekceważenia norm protokołowych, co prowadzi do komplikacji sytuacji między krajami.

Słowa kluczowe: dyplomacja, stosunki dyplomatyczne, służba dyplomatyczna, protokół dyplomatyczny, ceremoniał, etykieta dyplomatyczna.

NOTION AND ROLE OF DIPLOMATIC PROTOCOL IN INTERNATIONAL RELATIONS

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Abstract. The article considers the concept of diplomatic protocol, ceremonial and etiquette primarily as tools of influence on relations between states. The importance of the protocol in international relations is highlighted, a general description of its components is provided, common and distinctive features of such terms as «diplomatic protocol» and «ceremonial» are indicated. It is emphasized that the diplomatic protocol is an integral part of diplomacy, its political tool, the form that accompanies any foreign policy action of the state and is followed by its representatives. Its mandatory observance is required during the recognition of new states, the establishment of diplomatic relations, the appointment of heads of diplomatic missions, the presentation of credentials, diplomatic visits, negotiations and discussions, etc. The article considers cases of neglect of protocol norms, which leads to a complication of the situation between countries.

Key words: diplomacy, diplomatic relations, diplomatic service, diplomatic protocol, ceremonial, diplomatic etiquette.

ПОНЯТТЯ ТА РОЛЬ ДИПЛОМАТИЧНОГО ПРОТОКОЛУ У МІЖНАРОДНИХ ВІДНОСИНАХ

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Анотація. У статті досліджується поняття дипломатичного протоколу, церемоніалу та етикету насамперед як інструментів впливу на відносини держав між собою. Висвітлюється значення протоколу у міжнародних відносинах, надається загальна характеристика його складових, вказуються спільні та відмінні риси таких термінів як «дипломатичний протокол» і «церемоніал». Наголошується, що дипломатичний протокол є невіддільною складо-

вою частиною дипломатії, її політичним інструментом, формою, якою супроводжується будь-яка зовнішньополітична акція держави та якої дотримуються її представники. Обов'язкове його дотримання потрібне під час визнання нових держав, встановлення дипломатичних відносин, призначення глав дипломатичних представництв, вручення вірчих грамот, здійснення дипломатичних візитів, проведення переговорів і бесід тощо. Розглядаються випадки нехтування протокольними нормами, що призводить до ускладнення ситуації між країнами.

Ключові слова: дипломатія, дипломатичні відносини, дипломатична служба, дипломатичний протокол, церемоніал, дипломатичний етикет.

Introduction. At the current stage of the development of international relations between states, international organizations, and state enterprises, more and more diplomatic and business negotiations are conducted and a large number of international agreements are concluded, therefore, for the successful and effective functioning of the complex mechanism of foreign policy, these subjects need a lot of tools, each of which, finding their application, sets the mechanism in motion (Єфремов, Любко, 2020: 35). One of the most important tools is the diplomatic protocol. It permeates all diplomacy, everything related to it. No forms of diplomatic activity can do without observing generally accepted rules, traditions and conventions. The diplomatic protocol itself covers various rules, starting from the recognition of new states, the establishment of diplomatic relations, the opening missions and representative offices, the appointment of heads of diplomatic missions, the presentation of credentials, the implementation of diplomatic visits, conversations, receptions and negotiations, the convening of international meetings and conferences, the signing of conventions, communiqués, statements, agreements, meetings and send-offs of official delegations, response to festive and tragic events, to the state symbols of the accrediting state and host country, diplomatic correspondence, etc.

Diplomatic protocol was previously perceived as a natural and integral part of international relations. Thus, in recent years, thorough scientific works on diplomacy have appeared in domestic and foreign literature, which are important for analyzing the problems of diplomatic protocol. In this context, it is appropriate to note the works of such scientists as: A. Borunkov, John Wood, L. Ikanovych, O. Ksenofontov, H. Kalashnyk, O. Kulyk, F. Larina, T. Orlovskiy, Zh. Pikarskiy, G. Rudenko, V. Reznichenko, O. Sahaidak, Jean Serre, O. Sakun, T. Shynkarenko and many others.

The aim of the article is to research the essence of the diplomatic protocol, ceremonial and etiquette as tools of impact on relations of the countries between each other, and establishing their role in international relations and establishing their role in international relations.

Methods. To achieve the scientific objectivity of the results, we used complex of general scientific and special research methods, widely used in the modern science of international public law. The method of objectivity, induction, analysis, system-structural, formal-logical, special-legal, comparative-legal, structural-functional and other general scientific and special research methods became the methodological basis of the work.

Results and their discussion. The definition of «protocol», like most special diplomatic terms, originates from the Greek language («protokolon», protos – the first, and kola – to stick) and in the Middle Ages meant the rules for drawing up documents and keeping an archive. In this sense, the term «protocol» is still used today, for example, minutes of meetings, meetings; in judicial proceedings – the protocol of a search or a court hearing.

Having entered the diplomatic practice, this word, in addition to the preparation of documents, began to mean all issues of etiquette and ceremonial as components of the diplomatic protocol. Thus, under the concept of etiquette (from the French «etiquette») we understand the established order of behavior in society, a certain environment; a set of rules regulating external manifestations of human relations and politeness (for example, behavior, manners, style of clothing, forms of addresses and greetings, communication, cooperation) (Калашник, 2007: 8). There are several types of etiquette: court, diplomatic, military, social, business. Diplomatic etiquette is the rules of behavior of diplomats and other officials during various diplomatic events (Губерський, 2004: 455).

Of course, diplomatic protocol is not just etiquette. One inconvenient violation of traditions can turn into a long-term cooling of relations between two countries, or even into an international scandal. Protocol nuances play such a big role that, for example, just one thoughtless gesture can disrupt grand agreements between the states.

During Angela Merkel's last meeting with Vladimir Putin in Sochi, the Russian president presented the guest with a gorgeous bouquet of roses. But this, at first glance, completely natural gesture was ambiguously perceived in the West. «What seemed like politeness is in fact an insult: among the world's leading politicians, it is customary to extend a hand to greet, and not to give flowers. In other words, V. Putin demonstrated his superiority over the German chancellor» (Тимофієв, 2018).

Regarding the term «diplomatic ceremonial», in practice, the concepts of diplomatic protocol and diplomatic ceremonial are often equated or used as synonyms. This is explained by the fact that they serve the sphere of diplomatic contacts between subjects of international law, giving them a formally defined status and the corresponding external design. Thus, according to the definition, ceremonial (from the Latin saerimonia – reverence) means the officially accepted order of solemn receptions, processions (ceremonial meeting of the head of state during an official visit, ceremony of presentation of credentials and inauguration of an ambassador, ceremony of signing international treaties, etc.) (Лук'янюк, 2022). The common field of application determines the deep penetration and kinship of these concepts.

At the same time, the concepts of diplomatic ceremonial and diplomatic protocol have special features. First, they differ in their source of origin: unlike the diplomatic protocol, the ceremonial has its roots not in the state principle, but in the civilizational and national one. The rules of diplomatic protocol are based on the principle

of «international courtesy», the concept of which includes showing honor and respect for everything that symbolizes and represents the state. The ceremony was formed as a result of historical development based on the national characteristics of peoples: their worldview and worldview, religion and culture, the nature of social relations, the concept of hospitality, and especially the nature of the hierarchical structure of society (Бутко, 2020: 7).

The basic principle of diplomatic protocol is compliance with the principle of international courtesy, that is, respect for everything that symbolizes or represents the state. Regarding the legal definition of a diplomatic protocol, it is worth noting that it is presented differently by different authors, but its essence remains practically the same. For example, Wood John and Serre Jean in their work «Diplomatic Ceremonial and Protocol», which is a kind of guide in this field, noted that in the political and administrative structure, the protocol gives everyone their place, guarantees all officials the opportunity to use their rules, solves disputed issues of seniority, as well as disputed points of granting privileges and immunities. The protocol, as the researchers note, is a set of rules for the conduct of governments and their representatives on official and unofficial occasions. It provides an opportunity for everyone to carry out their daily duties without hindrance, and its deliberate violation is considered a demonstration of distrust of the diplomat (Вуд, Серре, 2011: 37-38).

R.J. Feltham notes that the protocol is official diplomatic behavior (Фельтхэм, 2004: 282). Adherence to the general rules of the protocol is the basis of the diplomatic practice of any country, although each country has its own specific features, determined by the specifics of national traditions and social structure. Deviation from the diplomatic protocol or violation of its norms is inadmissible, due to the damage to the country's image and cause undesirable political consequences. One cannot but agree that the diplomatic protocol is a model of international communication, to which all organizations and private individuals are equal. These rules introduce hierarchy, discipline, organization into international relations, without which the community of people, in particular the international one, cannot function normally. The protocol is multifaceted and diverse, and therefore the political consequences of its norms are different. Accordingly, the price of a protocol error is also different: from diplomatic protest to early termination of the visit and even more serious consequences. Not without reason, experienced diplomats emphasize that there are no small things in the protocol. These «trifles» lead to serious political complications (Калашник, 2007: 12-13).

The Ukrainian diplomatic encyclopedia defines diplomatic protocol as «a set of generally accepted norms, rules, traditions and conventions followed by governments, state institutions, foreign affairs departments, diplomatic missions, missions and representations at international organizations, officials and members of their families in international communication with taking into account local practice» (Губерський, 2004: 366).

Based on the above, it can be concluded that diplomatic protocol is a set of generally recognized rules, traditions and conventions that are followed by governments, foreign affairs departments, diplomatic missions, officials and diplomats in the performance of their functions in international communication.

Since the basic provisions of the protocol are universally recognized and observed by all countries more or less equally, we can speak of the diplomatic protocol as an international category. The difficulty lies only in the fact that it is not always clear where international courtesy ends and the legal obligation to observe certain rules begins (Сагайдак, 2012). Being a tool for transforming the state's legal capacity in the field of diplomatic relations into its legal capacity, the protocol norms in a number of cases do not themselves have a legally binding nature and are only a tribute to courtesy or custom (time of arrival and departure from the reception, dress code, etc.). However, some norms of the diplomatic protocol are given legal force, and therefore careful observance of its norms is mandatory in the case of: recognition of new states; establishment of diplomatic relations; appointment of heads of diplomatic missions; presentation of credentials; diplomatic and personal correspondence; signing of international agreements; celebration of various festive and mourning events; convening of international meetings and conferences, organization of meetings and departures of official delegations, etc.

Of course, the need to observe protocol norms in the diplomatic activities of states required the creation of a special protocol service, which exists in every country and is designed to ensure that these norms are properly taken into account in diplomatic practice. So, for instance, the State Protocol Department (henceforth known as the Department) deals in the system of the Ukrainian diplomatic service, issues of protocol practice, which is a political structural subdivision of the Ministry of Foreign Affairs of Ukraine (Офіційний веб-сайт Міністерства закордонних справ України, 2022).

The Department was created in order to ensure by various means and norms the diplomatic protocol of our state's foreign policy activities, the application of uniform protocol practice when receiving foreign official representatives in Ukraine and conducting visits of state leaders to foreign countries. It issues of protocol work in the diplomatic mission are dealt with by an employee specially allocated for this purpose, who reports directly to the head of the mission. The State Protocol Department works in close and constant contact with the protocol services of the President and the Government of Ukraine on all issues related to the provision of uniform protocol practice in Ukraine. The Department closely interacts with all ministries, departments and subjects of Ukraine on matters within the Department's competence, coordinates the activities of foreign institutions and divisions of foreign affairs on protocol issues, maintains a file of state flags, anthems and coats of arms of foreign countries. It is clear that each state may have its own peculiarities, stemming from its historical development, national culture, rituals, etc., which sometimes leave an imprint on fixed protocol norms, on one or another ritual. However, the essence of the protocol requirements, in general, is preserved (Чичкало-Кондрацька, Новицька, 2020: 7-8).

We emphasize that it is difficult or even impossible to find any foreign policy action that could be implemented without the use of diplomatic protocol. It is flexible. Depending on the state of relations between countries during

practical application, there is always an opportunity to give different nuances to protocol rules. However, it should be remembered that any deviation from the rules will be noticed and evaluated (Шкабаро, Палєєва, 2020: 238).

So, for example, during the official visit of the Queen of Great Britain Elizabeth II to Australia in February 1992, a protocol lapse was allowed, which spoiled the visit of the Queen herself and caused a lot of indignation in the British Isles for the reception she was given. Introducing famous guests, and more than 800 of them gathered, Australian Prime Minister Paul Keating casually took the Queen of England by the waist. In addition to this, his wife, who is Dutch by birth, did not perform the curtsy – bending on the right leg together with a respectful bow to show respect for the monarch, as required by the diplomatic etiquette of the court. This incident did not go unnoticed. The press made a whole scandal out of it. The fact is that Australia is a former dominion of England, then an ally included in the Commonwealth of Nations, where in most cases the English monarch is considered the head of state. And in Australia, it was similarly questioned. The accidental situation that arose did not improve relations between the two states, which were already difficult, but rather the opposite (Сагайдак, 2012).

It has been emphasized more than once that the diplomatic protocol is an inseparable part of diplomacy, its political tool. In this context, it should be emphasized that one of the most important functions of the protocol is to help ensure the sovereign equality of states, as well as general peace and peaceful coexistence of countries belonging to different social systems.

For example, the principle of state sovereignty is expressed in protocol norms such as honoring the state flag, singing the national anthem, etc. Here, special attention should be paid to the fact that the flag is raised correctly, taking into account its colors or other important symbols (in some countries, for example, an upside-down state flag means a state of war).

The principle of the equality of countries is manifested in the observance of the rules of alternation in the preparation of bilateral international treaties, in order of seniority at official events.

In the political and administrative structure, the protocol gives everyone their place, guarantees all officials the opportunity to use their rights, reconciles disputed questions of seniority, as well as disputes concerning the privileges and immunities granted. In particular, the rules of diplomatic protocol are designed to maintain normal relations between states and their representatives abroad. According to which, a person present at an official meeting has the right to a seat corresponding to their class and rank. These rules must be clearly defined and strictly followed (Сагайдак, 2012).

Conclusion. Summarizing what has been said above, we note that the diplomatic protocol is an integral part of the diplomatic service of each country, its political tool, the form that accompanies any foreign policy act (measure, action) of the state and is followed by its representative offices or officials. In this context, it should be emphasized that one of the most important functions of the protocol is to help ensure the sovereign equality of states, as well as general peace and peaceful coexistence of countries.

The generally accepted definition of the term «diplomatic protocol» is as follows – it is a set of generally recognized rules, traditions and conventions that are followed by governments, foreign affairs departments, diplomatic missions, officials and diplomats in the performance of their functions in international communication. Integral components of the protocol are etiquette – accepted rules of conduct and rules of politeness – and ceremonial – the official order of ceremonial receptions, processions.

The question of in which cases the norms of the diplomatic protocol are legally binding, and in which cases they are just rules of international courtesy, remains a complex theoretical and practical issue. In particular, they must be observed when recognizing new states, establishing diplomatic relations, accrediting the heads of diplomatic missions, holding talks and negotiations, organizing diplomatic receptions, signing international agreements, etc.

It is appropriate to emphasize that non-compliance with the norms of the protocol can be considered as a demonstration of dissatisfaction with the actions of the country or representatives of its diplomatic mission and can lead to the deterioration of bilateral relations between the states.

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