

Report from the 39th IFDT (Boston, 24-28 September 2011)

INTERNATIONAL FORUM ON DIPLOMATIC TRAINING

39th Meeting of Deans and Directors

of Diplomatic Academies and Institutes of International Relations

Fletcher School of Law and Diplomacy

Tufts University

Boston

24 – 28 September 2011

REPORT

At the 39th Meeting in Boston, the International Forum on Diplomatic Training (IFDT) returned to its roots. *Jerry Sheehan, Alan Henrikson* and their team produced a rich series of discussions neatly balanced between the intellectual study of diplomacy and the analysis of training for the practitioner.

On **Saturday, 24 September**, *Prof Henrikson* took the opportunity of offering to postgraduate students of diplomacy and to those attending the Forum a demonstration of a well-recognised and popular negotiation simulation exercise, Clingendael's 'Pentagame'. The exercise was conducted in small groups by *Paul Meerts* and *John Hemery*.

At a Reception on **Sunday, 25 September**, Dean of the Fletcher School, *Ambassador Stephen Bosworth* welcomed participants to the School, 'the flagship on diplomacy in the region'. He warmly thanked his colleagues for the two years of hard work which had gone into the preparation of the Meeting. All were looking forward to a *conversation* about the state of the profession.

Co-chair Ambassador Hans Winkler, Director of the Diplomatic Academy of Vienna, noted that the Forum had developed over the past forty years from a small informal gathering of a dozen friends, to a global institution meeting each year in a different region, offering opportunities to bring in new ideas and different perspectives.

Co-chair Dr Paula Newberg, Director of the Institute for the Study of Diplomacy at Georgetown University, observed that each host institution had had a role in shaping the future of the Forum. This was the first time the Meeting would be held in a university in full session, offering participants opportunities of engaging with faculty and students as well as with each other.

Monday 26 September

Ambassador Stephen Bosworth (‘that rare animal, the academic practitioner’) welcomed participants to the 39th Meeting, and offered a brief history of the Fletcher School since its founding in 1933, ‘an act of faith’ by Tufts University, in collaboration with Harvard. It had grown from twelve courses for thirty-five or forty students to offer now a suite of degree programmes with a hundred and seventy courses. Advances in technology had changed the nature both of the practice of diplomacy and of their courses of study, increasingly including online learning.

Keynote address: ‘Lessons from a career in diplomacy’

Ambassador Bosworth offered insights from a fifty-year career in American diplomacy, including in the Philippines and in the North Korean nuclear imbroglio. He defined diplomacy as the use of reasoned discourse combined with incentives and disincentives to advance a nation’s interests. It was an alternative to the use of force, though the use of force could not be ruled out. It was essential to have a clear view of a country’s own interests, coupled with a sophisticated understanding of others’ interests. (The United States sometimes had struggled with both.)

Understanding the context was all important. The diplomacy of President John F Kennedy had been shaped by the early Cold War. Later Presidents had had to assimilate the catastrophic experience of Vietnam – perhaps now also of Iraq and Afghanistan.

The context had changed dramatically after 1989. The global bipolar competition had been succeeded by a subtler appreciation of regional imperatives. Governments had engaged in a complicated search for a new point of balance.

After the breakup of the Soviet Union, some had thought that US policy would be easier – there would be no single adversary if diplomacy failed. It hadn’t turned out that way. It was now more difficult to sort out how to use force. For a time, greater reliance had been placed on working with and through multilateral institutions.

A case in point was the Korean Peninsula Energy Development Corporation (KEDO), established in 1995 as a framework for negotiation with the North Koreans drawing in South Korea, Japan, China and the United States. In this, as in much of diplomacy, context decided outcomes – the Asian financial crisis altered relationships amongst the players; South Korean policy changed from administration to administration; and even more dramatically US policy with the response of the Bush Administration to 9/11.

Nevertheless, the United States, working with a newly assertive China, had made progress within the Six Party framework, and under the Obama Administration there had been a return to diplomacy as a means of resolving disputes; an acceptance that compromise was achievable. The interests of *all* the parties to the talks lay in settling bilateral issues, avoiding nuclear proliferation, and the collapse of North Korea as a viable state.

In the context of the geopolitics of northeast Asia, and more widely in the post-Cold War world (with its smaller scale, more personal diplomacy), collaboration and consistency were going to have to be the cornerstones of foreign policy.

In discussion:

- *When values and national interests clash, national interest prevailed*

There was no single answer; ‘it depends’. But in a democracy it was dangerous to deviate from national values, as popular support was necessary for foreign policy. But in the United States since 9/11, attachment to values had been eroded by a sense of being at risk. Still, policy was *informed* by values, in the context of a realist vision.

- *How best to bring on a young diplomat needing to work on Korea?*

Historical knowledge was key. The interests of the players were varied, and the background was very complicated. (A simple metaphor might help: you were in the front seat of a car headed North; the time had come for the US to give the wheel to the South Koreans; the United States was still on board, as advisor.)

- *How to manage the increasingly challenging role of China in the Asia-Pacific region?*

Ambassador Bosworth was a cautious optimist on this. So far, the United States and China had been managing a complicated relationship well. The agenda was steadily widening from security to embrace all areas of policy, including human rights and regional stability. The US-China relationship was the greatest challenge US foreign policy had ever faced; the same was true for China; the two countries were fundamentally interdependent.

· *What could the countries of the South bring to diplomatic practice? Much of the discourse was West-centric.*

All brought something to the table. For example, diplomatic training at the Instituto Rio Branco in Brazil was more advanced than at the Foreign Service Institute in Washington. The emerging market countries were bound to assume a greater role.

· *When teaching new recruits to the foreign ministry, what balance between academics and practitioners?*

The Fletcher Faculty Retreat offered a good model, drawing together professional experience and knowledge of history and theory. It was similar to the symbiotic relationship between teaching and research; good research informed good teaching; good teaching raised questions about the future direction of research.

· *In overcoming deadlock in negotiation, was it a matter more of skill or of context?*

The negotiator-centric model of negotiation had been oversold. Progress in the Six-Party talks had resulted from benevolent co-operation between China and the United States. In the specific circumstances after the 2004 US Presidential election, it had been necessary to *deal* with North Korea to ensure non-proliferation. Both the US and China had an interest in the long-term management of a key player in Northeast Asia, and in deterring disruptive behaviour. The multilateral process was useful, but so were bilateral contacts. What the North Koreans wanted, the US could deliver, but it was necessary to keep the interests of partners in mind, and to keep them informed. All had to take into account the interests of all others involved.

Panel 1: Regional Co-operation in Diplomatic Training

Ambassador Mladen Andrljic, Diplomatic Academy of Croatia (Chair)

Professor Joseph Mifsud, The Euro-Mediterranean University, Slovenia

Prianti Gagarin Djatmiko Singgih, Center for Education and Training, MFA Indonesia

Ron Ton, Netherlands Institute of International Relations, Clingendael

[*Jolanda Spiess*, University of Pretoria, was to have been a member of the panel, but had been unable to attend]

Ambassador Mladen Andrić observed that regional co-operation was on the increase in many spheres – in economic affairs, culture, technology, sport – just as in diplomacy. It had particular importance for small countries, ‘going global via going regional’.

Prianti Gagarin Djatmiko Singgih noted that the ASEAN+3 group had been meeting annually for five years, with a rotating Chair. They had met in Beijing in 2011. Regional co-operation presented challenges, as levels of experience and specialist needs differed. On the other hand, it offered opportunities for exchanges of students and staff, and mutual enrichment of curricula – a net investment in the development of diplomacy.

Ron Ton recalled that programmes of regional co-operation between ministries and academies in Europe had been under way since the early 1990s, promoting dialogue and sharing resources. There was increasing demand for intra-regional co-operation in response to globalisation and the common challenges of climate change, organised crime, food security and public health. There was mutual benefit, for example, in a shared approach to water management and the negotiation of water disputes. Programmes of co-operation helped build a culture of trust, promoting understanding of each other’s foreign policy dilemmas. Regional training was a potentially useful tool of foreign policy, encouraging co-operative security.

Professor Joseph Mifsud noted that the Euro-Mediterranean University (EMUNI) was in itself an expression of academic diplomacy, being a joint venture of EU member states, Turkey, Israel and the Arab League. It bridged borders, institutions and individuals. Its programmes focused on six areas of specialisation: energy, disaster management and civil protection, Mediterranean business development, maritime and highways, good governance, and human rights and democratisation. It drew on the resources and expertise of the European Parliament and Commission, as well as of academic and other institutions across the Euro-Mediterranean region. As it developed its capacities, it was open to further partnerships in Africa, Asia and America.

In discussion:

- The *Albanian Diplomatic Academy*, in co-operation with sixteen faculties in five universities, was responding to a world of diminished sovereignty with new regional curricula addressing the common interests of students and diplomats from the Western Balkans, EU member states and Eastern European neighbours.
- The *Central European University* in Budapest, an English-speaking international institution, was confronting the challenges of adapting to the post-Soviet, post-Yugoslav

neighbourhood of twenty-four new states: what vision? what to teach? A number of its programmes focused on conflict management.

- The *Foreign Affairs University* in Beijing hosted programmes for diplomats not only from the region but from all over the world. It provided a forum for discussion with Chinese diplomats on current issues of common concern. It was establishing a new Training Centre for Chinese diplomats, and would be seeking high-level contributions from abroad.

- The *Mexican Diplomatic Academy 'Mathias Romero'* offered programmes both actual and virtual open to participants from all regions. It provided a platform for online discussion between diplomats located worldwide, for example with Caribbean colleagues on Migration and Development.

- The *Ministry of Foreign Affairs of Montenegro* offered a diplomatic summer school attended by participants from thirty-six countries.

- The *Estonian Diplomatic Academy* offered training to countries of the EU's Eastern Partnership, not only to diplomats but to officials from many ministries and agencies.

- The *Serbian Diplomatic Academy* offered a programme of skills-building, 'excellence in diplomacy', to the countries of South Eastern Europe. One of its aims was to foster understanding and co-operation on the Kosovo issue.

- The scope of diplomacy had changed dramatically. While country to country links were still central to the profession, public diplomacy had increased in importance, influencing the perceptions of civil society. 'Total diplomacy' embraced all elements of society.

- Diplomacy was universal. We were now all global citizens. Much of the substance of study, for example conflict management, was universal. It was important not to be limited to regional thinking, and to remember the big picture.

- Diplomatic practice was both personal and universal. Constraints on national capacity sometimes competed with regional ambitions. But regional co-operation was about more than training; it was a spur to a strategic approach to interacting regionally at the global level. Collaborative training initiatives nevertheless could bolster foreign policy objectives. (EMUNI was a good example, as was the European Diplomatic Programme, which over ten years had contributed to the genesis of the European External Action Service.)

- Intra-regional co-operation could also prove a block to wider regional co-operation; the ASEAN+3 process had left out Australia, New Zealand and the states of South Asia.

- The *New Asian-African Strategic Partnership* (NAASP) brought together junior diplomats from developing countries in Asia, Africa and South Eastern Europe. (The ASEAN+3 initiative was just a start, opening the door to wider implementation.)

- Funding was a perennial problem. Ministries of Foreign Affairs typically didn't have the resources to offer much. Development ministries and agencies provided some assistance to diplomats from LDCs. Regional co-operation helped to spread the financial burden.
- Regional co-operation could be especially useful for the training of trainers and curriculum development. The *Diplo Foundation* had demonstrated the power of distance learning as a multiplier tool, providing lecture materials to the global commons.
- Virtual learning needed to be tailor-made. A modular approach enabled virtual 'in-between' activities, bringing students along sequentially and cumulatively.
- Some still doubted that diplomacy could be taught virtually at all.
- Regionalism was important, but national capacity was still crucial, to deal with domestic issues and interests.

Panel 2 – multilateral diplomacy at the United Nations: the power of the better argument

Professor Ian Johnstone, The Fletcher School of Law and Diplomacy (Chair)

Rabih El-Haddad, Multilateral Diplomacy Programme, UNITAR, Geneva

Professor Sieglinde Gstöhl, College of Europe, Bruges

Professor Ian Johnstone reflected first on the emerging norm of the responsibility to protect (R2P). Principles and values counted for something in international affairs. The work of the United Nations Security Council rested upon a balance between legal concepts and Great Power interests.

He advanced three essential propositions:

1. international law operated through justiciable facultative discourse: disputes were not always managed in court, but diplomatic legal argumentation affected the way in which states behaved;
2. legal discourse had more to do with deliberative democracy: public policy had to be backed by good argument; (there was a question about what constituted a good argument: it varied, but was invariably impartial, and was understood by all to be relevant, and consistent with the mission or vision concerned);

3. through discursive interaction, the international community rendered collective action. States acted.

Power mattered, but one couldn't understand power without 'the power of the better argument'.

States increasingly were compelled to justify their actions *inprincipled* terms.

Rabih El-Haddad noted that in the United Nations, given the size of the membership and the range of issues for which it was responsible (85% non-political), process was as important as outcomes. It was a norm entrepreneur.

The responsibility to protect had been asserted in Kosovo (UNSCR 1244) and in Libya (UNSCR 1970), when civilians were endangered. But it also had been felt to lend a spurious legitimacy to military intervention. In Darfur, there had been reference to R2P (UNSCR 1706), but the government of Sudan had refused to acknowledge its relevance. (President Bashir had been charged with crimes against humanity, but had never been arrested.) Clearly, there was as yet no operative norm, though with 193 states in the General Assembly acknowledging the concept, it was moving into the DNA of UN institutions.

Professor Sieglinde Gstöhl reflected on the differential power and negotiating strategies of large and small states. Small states could draw on the power of multilateral institutions, but the smaller the state the larger the significance of sovereign identity; it was not always easy to speak in multilateral fora with one voice. Great powers, on the other hand, had great responsibilities; other states were bound to take their interests into account. Yet multilateral institutions, with formalised rules and legal frameworks, could constrain Great Power behaviour.

The European Union was such an institution, a community of values comprising mainly small states, and relying for effectiveness on formal instruments and political dialogue. The large Member States still had preponderant influence, but could not exercise power without consent. There remained a fundamental disunity of policy – a preference for carrots over sticks, and for political over economic and social rights – which made it difficult for the EU to act coherently internationally. (A case in point had been EU negotiation at the environment conference of parties at Copenhagen; the EU had been preoccupied with internal debate while others had gone ahead on substance.)

In discussion:

- *On R2P: when did principle become a norm of customary international law, legally binding?*

Regrettably, not yet. The 2005 World Summit had *not* enshrined the right of intervention in international law. On the other hand, a threat to peace might merit a justified response under Article 39 of the Charter, given the political will to act.

- *On the power of the better argument?*

In the end, material power still trumped ideas.

- *On the right of intervention?*

Custom and practice was moving gradually beyond soft treaty license into legality. But there was nothing in international law equivalent to the Samaritan Rule. Yet norms could come to *act* like facts once they became internalised.

- *On the consequences of a failure to intervene?*

Given the growing acceptance of a duty to act, the reluctance to act, or the prevention in the Security Council of timely response, as in Syria, might come to be regarded as accountable.

Panel 3 – Wikileaks and Diplomatic Reporting

Crocker Snow, The Murrow Center, The Fletcher School of Law and Diplomacy (Chair)

Christopher Guilhou, Consul General of France, Boston

John Hemery, Centre for Political and Diplomatic Studies, UK

Crocker Snow observed that Julian Assange and Edward R Murrow both had been journalists good at in-depth research. Both had violated prevailing standards because they had been secretive, protecting their sources in order to foster transparency. In both cases a range of the most important newspapers had co-operated with the ‘leakers’. Wikileaks at least had revealed the competence in reporting of the US diplomats being exposed.

Christopher Guilhou had worked for the French government, especially in the Middle East (for example, in Syria). He had been advisor to two French Foreign Ministers. He thought that Wikileaks had been a disaster for American diplomacy and its interests. For diplomats it was

important to be able to be confidential, accurate and critical – what you reported to your capital ought not to be seen by the people on whom you reported. Wikileaks had violated all this.

M Guilhou had been quoted in seventeen cables. Hezbollah had used one of the cables in a very disquieting way, suggesting that he had given the impression that Hezbollah had been betraying the prime minister of Lebanon. As a consequence, he was more reluctant to share information with his American colleagues, He would think twice before writing a cable. French diplomats now would have to re-think the way they worked .US diplomats had shown, however, that their work had been fairly thorough.

John Hemeryfelt, on the contrary, that no substantial damage had been sustained to the reporting system. Leaks were a fact of life. The objective of good reporting was to facilitate understanding; the truth was the truth; sometimes embarrassing if published, but relatively little was intensely sensitive, and there were other ways of communicating confidentially. The main danger lay in the tendency to name (and possibly endanger) sources.

More damage perhaps had been done, at least in the short term, by the way in which some foreign ministries had responded to Wikileaks, closing down the portals which had given the public access to their diplomats, and reversing the trend to greater openness and outreach.

In discussion:

- This was really in the end an old story. The only difference about Wikileaks was the scale.
- Wikileaks should be on the curricula of diplomatic academies; the cables offered lessons in how to get the information needed.
- The documents had been released at a not yet appropriate time. Their accuracy could not be assured.
- Diplomacy and transparency did not go together. If everything was available, how were you going to justify maintaining a diplomatic network around the world? Jobs were at risk!
- Most international discourse now bypassed government. Governments had to go out and join the conversation.

Colloquium: diplomacy in an era of transition

Dr Paula Newberg, Institute for the Study of Diplomacy, Georgetown University (Chair)

Ambassador Georges Lamazière, Instituto Rio Branco, Brazil

Maud Dlomo, Department of International Relations and Co-operation, South Africa

Associate Professor Leonard Sebastian, S Rajaratnam School of International Studies, Singapore

Professor Hurst Hannam, The Fletcher School of Law and Diplomacy

Ambassador Georges Lamazière reflected on the dimensions of change in the international system since 1989. There were many new actors, with a greater diversity of views on global governance.

Diplomacy was not international relations; it was the art and practice of state relations, an essentially national business. All politics was local, and international policy was also local. States gathered themselves in regional or like-minded groups, seeking common positions for the pacific settlement of disputes.

Training programmes bringing diplomats together from different countries enabled us to absorb lessons from the developed world, but also to learn about emerging countries from each other.

Maud Dlomo addressed the opportunities and challenges of transitional diplomacy in post-conflict environments. Conflict had increased and changed; there was now more intra-state conflict, leading to a shift in emphasis from national security to human security. The governments of the African Union could no longer be indifferent to the plight of their citizens; R2P was essentially a policy of non-indifference to the vulnerable.

Post-conflict diplomacy addressed domestic political and institutional reconstruction; peace-building through development, democracy and the protection of human rights. It involved pacifying warlords, offering incentives to remain engaged in the peace process. But disarmament and demobilisation was slow and difficult; troops who had known nothing but war needed alternative jobs.

The diplomatic process was very weak, though. It could not be managed by governments alone. Non-state and international actors were needed to co-operate in forging coherent reconstruction, working through credible local structures of decision-making. The key lay not in big spending, but in effective co-ordination and planning, with a clear strategy for the long term – a three or four year plan was only a start; a twenty-year plan was needed.

Professor Hurst Hannam observed that with greater mobilisation of civil society, the number of humanitarian interventionists was on the rise. In the face of human suffering, there were increasing demands that ‘something must be done’. Celebrities engaged in the cause had helped raise public consciousness with calls for direct action.

There was a question whether this proliferation of actors had made diplomacy easier, or whether the diplomatic process had been in some sense hijacked. When diplomacy became focused on violent conflict and atrocity, it became reactive, rather than strategic; short-term rather than long. It remained to be seen whether the intervention in Libya under UN Security Council Resolution 1970 had been a unique event or part of a trend. Was diplomacy pretending that an international community existed, per se? Was there still a role for states in dealing with new threats, or were governments simply acting to appease their own publics?

Professor Leonard Sebastian addressed challenges to the relevance of conventional diplomacy, for example when negotiating with radical movements such as Hamas or the Taliban, or working with new institutions and new media. Time had been brutally shortened for strategic thinking; the volume of information had exploded. Foreign ministries were at a disadvantage in relations with their political leaders if they could not keep up.

Professor Sebastian offered three hypotheses: (i) diversity was the new normal; there were many approaches to international relations, not one Western abstract model; (ii) non-Western approaches to international relations theory were growing in significance; China, India and countries of the ASEAN group were advancing their own diplomatic and strategic cultures; (iii) Asian ideas on regionalism and global governance were on the rise, based on developing and legitimising national strength. In the Asian model, regionalism did not require hegemonic leadership; it did not need to rely on formal legalistic or politically unifying platforms; it was open and inclusive.

In discussion:

- Diplomacy 2.0 was more difficult than ten years ago. It was necessary to reshape the agenda to meet challenges in four areas: (i) a re-conception of what constituted 'peace'; (ii) how to deal with the politics of natural resources; (iii) how to manage moral issues; (iv) how to exert leadership in the context of a new consensus on challenging authority.
- As societies opened up and the ambit of diplomacy widened, so diplomatic training needed to embrace the representatives of non-state actors and business.
- There was merit in 'open' policy development, incorporating civil society groups, but it was possible to go too far, at the expense of coherence and accountability.
- One couldn't learn diplomacy from books, but one could and had to study international relations from theory. Non-Western literature at last was challenging the way international relations was taught, incorporating new ideas which better reflected the strategic realities of the 21st century

(cf. *Amitav Acharya* and *Barry Buzan*, 'Non-Western International Relations Theory: Perspectives from Asia'). There was difficulty, however, in integrating it with Anglo-

American and European perspectives: there was plenty of literature, but it was not very accessible and little was published in English.

Tuesday 27 September

Panel 4 – International business diplomacy

Professor Bhaskar Chakravorti, Senior Associate Dean, The Fletcher School (Chair)

Ambassador Kishan Rana, Diplo Foundation and the Foreign Service Institute, New Delhi

Professor Dr Raymond Saner, Diplomacy Dialogue, Geneva

Professor Bhaskar Chakravorti observed that three-quarters of global growth came now from emerging markets, where there was a close relation of state and private enterprise. This only reinforced the necessity of business diplomacy, but there was a question whether diplomats were being prepared adequately for the international business context.

Professor Raymond Saner offered a diagrammatic model of post-modern economic diplomacy: three interlocking circles representing (i) corporate and business diplomats dealing with trans-national business development; (ii) economic and commercial diplomats managing foreign direct investment and economic multilateralism; and (iii) national and trans-national non-government diplomats focusing on socio-economic and ecological development policies. They had overlapping roles, especially those from small states with few diplomats. Training needed to help diplomats function effectively in each of these different but inter-connected fields.

Ambassador Kishan Rana reviewed the tasks of economic diplomacy. They included (i) promotional tasks, making connections, export promotion, FDI mobilisation, and aid management – both inwards and outwards; (ii) outreach, networking with international associations, academics and the media; (iii) framework issues involving regulatory management, for example of free trade agreements, relations with the WTO, and investment protection; and (iv) image management, branding and re-branding. It was an integrated diplomacy, all tasks being conducted together.

Diplomats and business people sometimes regarded each other with mutual incomprehension. But effective diplomacy could smooth the way for what otherwise might have been contentious

international deals, as when Tata bought Jaguar/Land Rover. The embassy could be a multiplier, a facilitator, a conflict manager, useful especially for relatively smaller companies who were the main actors in developing countries.

When it came to training, everyone was an economic diplomat. The promotion of national prosperity required a full court press. Case studies of successful strategies could be helpful, as well as secondments of diplomats to business, and of business people to the foreign ministry. It was essential to bring all stakeholders together to learn from each other, and to avoid the artificial separation of state structures dealing with trade and finance from the mainstream of diplomacy. (Ambassadors personified this integrated approach, spending perhaps sixty to seventy per cent of their time on economic work.)

In discussion:

- It was not always easy to measure success in economic diplomacy, nor to identify who had generated what. In a whole team effort, success had many fathers; failure was an orphan.
- Aid programmes brought market opportunities. Diplomats could play a constructive part in identifying and targeting specific areas for social and economic development, and in facilitating public/private partnership.
- International business diplomacy was not always pretty, though. Competition was fierce, and the playing field seldom level. Normative diplomacy hid corrupt practice and self-interest.
- A new challenge had arisen with the increasing politicisation of credit rating agencies, whose once-objective analyses had become compromised. The credibility of the state thus was being handled by others than the foreign ministry, subject to subterranean forces manoeuvring behind the scenes.
- The No 2 task of state diplomacy was business. Most companies had government relations officers. It was necessary, therefore, to extend the concept of diplomacy. One of the key objectives of diplomatic reporting was to enable governments to anticipate; yet business was often more sensitive to upcoming developments. This suggested partnering between state and business, and both with civil society.
- Helpful as an integrated approach might be recognised as being, the reality was that economic diplomacy was not always regarded as a core discipline for the foreign ministry; the task resided in the ministries and agencies of commerce and industry.
- There was scope nevertheless for an entrepreneurial attitude to diplomatic work. The system needed to give space for pro-action in facilitating and managing relationships with business.

Panel 5 – The diplomacy of transitional justice

Professor Louis Aucoin, The Fletcher School of Law and Diplomacy (Chair)

Dr Patricio José, Higher Institute of International Relations, Mozambique

Professor Nabil Ayad, University of East Anglia, UK (standing in for *Professor William Maley*, Australian National University, who had been unable to attend)

Professor Louis Aucoin observed that transitional justice was the science of healing society after the trauma of human rights abuses. As outlined in the Report of the UN Secretary-General on the Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies ([S/2004/616](#)), it employed the full range of processes and mechanisms in the attempt to help people come to terms with the past, in order to move on.

The idea of reconciliation could be oversimplified – former enemies coming together in a national embrace. Rapprochement of former adversaries was one element, requiring compromise if not sacrifice; at minimum, a tolerance of peaceful coexistence. But it also involved restorative justice, a holistic effort to forge a new social construct through trials, amnesties, truth commissions and restitution. There was no one right approach; it was highly context-specific. The one central tenet was the repudiation of the salient values of the previous regime.

Dr Patricio José reflected on the case of Mozambique. They had gone through two periods of transition within forty years: from colony to independence, and from civil war to reconstruction.

In securing independence, it had been necessary to drop their demand for prosecution of war crimes – it had not been an easy option to allow the colonial power to get away with its atrocities, but it had opened the road to freedom.

Similarly, there had been during the civil war gross violations of human rights. To insist on prosecutions would have delayed the peace settlement. They had had to ask themselves – who had the moral authority to judge others? They had decided to focus instead on the creation of a new constitution with new institutional methods of education and enforcement on human rights.

The diplomacy of transitional justice was not a victor's justice. There was no winner; there could be no revenge, no humiliation; just a painful process of accepting what had happened, and filling the void with a solid package of reforms in the justice system, in the military, in the administration – building on the wreckage of the old a new society, in which human rights were the obligation of all.

Professor Nabil Ayad suggested that we were living now in an age of fear, dominated by an apparent clash of cultures, given oxygen by the media and spread by the new media and the forces of globalisation.

Perhaps as a result, governments had eschewed the forgiveness of transitional justice, and had adopted a punitive approach in pursuit of 'permanent justice'. They had created tribunals which imposed sanctions and punishments, and sought reparations.

Sometimes they had focused so much on redress, they had lost sight of securing the future – though sometimes reconciliation demanded retribution.

It was possible to learn from abusive regimes what to avoid in the future. To avert injustice, to ensure permanent justice, it was necessary to address the needs of the dispossessed, to listen to the disenfranchised and the dissident, and to focus on reform and development.

In discussion:

- There was perhaps an inevitable tension between the urge to peace and the thirst for justice. Or was it simply the arrogance of the Western world that crime demanded punishment?
- It could be helpful to locate the discussion in the context of international law, which distinguished between war crimes, crimes against humanity and genocide. Some crimes were so serious as to deserve and require accountability. The United Nations had refused to accept peace settlements which provided amnesty for the grossest villains.
- Sustainable peace and recovery entailed not forgetting, but forgiving, paying tribute to all who had suffered, and to those who had died and would never be compensated.
- Reconciliation was fine in theory, but in practice it could not be imposed; it was something which happened inside people's heads. And it was highly context-dependent: an apology could be divisive; protection of a minority could work against reconciliation. Reconciliation was not a moral or ethical matter, it was pragmatic; it began when it became possible to foresee living again alongside one's hated foes. How could diplomats get engaged in this complex area?
- Fact-finding missions could be helpful in establishing 'what really happened', producing evidence as the basis for justice.
- There remained huge areas of injustice from the Second World War and the colonial period which had been ignored. As norms of international justice emerged, victims increasingly sought redress.
- There was little point in raking over atrocities and abuses of the past; it was necessary to look to the future with hope. The international community could help most by providing support to practical programmes, for example reuniting families, and helping build robust

institutions which could enforce human rights. They could serve as mediators, helping people to choose a strategy of transitional justice specific to the situation.

Panel 6 – International environmental negotiation

Professor Kelly Sims Gallagher, The Fletcher School of Law and Diplomacy (Chair)

Professor Charles Chester, Brandeis University

Professor Paul Meerts, Netherlands Institute of International Relations, Clingendael

Professor Kelly Sims Gallagher reflected first on general trends in climate change diplomacy. It had proved impossible to secure overarching binding agreements. The UN Framework Convention on Climate Change had been doomed to founder on the realpolitik of diverging interests (not least between China and the United States, responsible between them for more than half of global carbon emissions). Controversially, bilateral agreements and treaties had proliferated instead. A core question was whether devolving the climate change regime was good either for the environment or for sustainable development. This issue had come to the fore after the failure of negotiations at COP 15 in Copenhagen in 2009. (cf. *R Keohane and D Victor*, 'The Regime Complex for Climate Change', *Perspectives on Politics*, vol 9, no 1, March 2011).

Professor Charles Chester observed that the failure of climate change diplomacy was much to the fore in the public mind, to the exclusion of other aspects of environmental negotiation which had been managing complex trans-border regimes successfully for years.

The protection of biodiversity was an essentially local process, involving civil society actors and municipalities. It often entailed 'perforated sovereignty', as for example in co-operation between Washington State and British Columbia on the protection of Puget Sound; (it was effective, if possibly unconstitutional). Diplomats perhaps could play a constructive role, but in supporting local actors in their respective jurisdictions, rather than negotiating deals. Two good examples were the Yellowstone to Yukon Initiative (Y2Y), and the International Sonoran Desert Alliance. These programmes connected communities of stakeholders interested in enhanced co-operation across borders ('grassroots trickle-up').

Professor Paul Meerts observed that in multilateral negotiation mayhem created options; the greater the complexity, the more opportunities to profit from the muddle. Comprehensive deals became more and more difficult to achieve, however, hence the resort to more local deals.

There were six dimensions in negotiation, six sets of restrictions or boundaries which provided a framework for the process: (analogy: the water in the bottle was the substance of the negotiation; the bottle was the process):

1. *borders*: states provided organisation and differentiation. (But they didn't trust each other, so they needed to control the relationship between them.)

2. *systems*: the organisation which the actors brought to the process. (At Copenhagen, the EU had failed by failing to agree how to deal with the BRICS.) This raised a training issue: diplomats needed to understand how international organisations functioned.

3. *interests*: divergent and complementary; large states and small. (The small suffered first, but they had to act themselves to protect their interests.) Training issue: how to deal with divergent interests through trade-off package dealing.

4. *resources*: technologies helped, but it was people, the diplomats themselves who were the key resource. (How aware were they of cultural and psychological factors, of the values and norms of the parties to the negotiation?) Training issue: how to become more effective in negotiation.

5. *regulations*: the laws and procedures to which the parties were subject. (But values and beliefs were also regulators of behaviour, mobilising and crystallising concern at individual, national and global level.)

6. *time*: long term or short term? (Behaviour varied according to how urgently a settlement was needed.) Training issue: learning to disaggregate the immediate and the non-imminent, and to manage the difference.

In discussion:

- It was debateable which was more effective – top-down or bottom-up. Should diplomats lead or support? Local responsibility and stakeholder buy-in were important, but where trans-boundary disputes involved different regulatory regimes, diplomats were needed to lead at the higher level. (If experts led, things tended to go wrong.)

- On the other hand, diplomats came and went. Those new to a long-running negotiation might be out of touch with the history of the issue, failing to understand the law, science, policy and precedent involved.

- International negotiations had been easier when meetings had been smaller, and everyone knew one another. Now they were too big, too unwieldy, essentially unworkable. It was not surprising that decision-making was being devolved to smaller regimes.

- Efforts at binding environmental regulation had failed because there had been no agreement on who would police it, and how. The Clean Development Mechanism had been ‘a hammer made of cheese’. It didn’t work; but if you made it out of steel, it would work. A number of states were prepared to accept regulation (for example, to avoid deforestation), but were waiting for the international community to get its act together.
- COP 16 at Cancun in 2010 had been successful in elaborating a ‘Green Fund’, an effective financing mechanism. But that was only a Band-aid. The main obstacle lay in the impasse between the US and China. China was serious, but could not move, as a matter of face, without the United States. The United States was constrained by a number of fears, some rational, some less so. Once that logjam was broken, the EU and Japan would fall into line, and the LDCs would come along behind. The problem for much UN negotiation was that coalitions were too firm, too immovable in their positions. The bloc arrangements were self-defeating.
- Ironically, we had come full circle. Blocs had been formed to get over the obstruction of individual positions that had been too inflexible. In negotiation – and in training for negotiation – it was going to be necessary to focus on identifying flexibilities, areas for possible accommodation as well areas where movement was going to be difficult. Effective negotiators had to imagine different outcomes for different groups.
- That process was going to be more achievable with smaller regimes, more manageably implemented. Diplomatic trainers could help by devising simulations of environmental negotiation requiring strategies for breaking up the blocs, and producing a range of different outcomes.

Concluding Session – the future of the IFDT

Ambassador Hans Winkler, Diplomatic Academy of Vienna, Co-Chair

Dr Paula Newberg, Institute for the Study of Diplomacy, Georgetown University, Co-Chair

Ambassador Winkler took the opportunity of thanking first the whole team at Fletcher for an outstandingly successful Meeting. Every session, mixing the academic and the practical, could have been extended. It was going to be a tough act to follow.

The IFDT was alive and well – and working. It was a project worth continuing. Its mechanisms had been developed over the years, and had proved adaptable to changing times. Originally, it had been an informal gathering of deans and directors, a meeting of institutions not countries,

some close to government, some quasi-private, some academic preparing students for international careers.

But there was room for improvement, notably now in two areas:

first, the Forum needed to upgrade its website, to provide a platform for active interchange;

second, having grown to the scale it now enjoyed, the Forum needed a lean secretariat to maintain the system and to facilitate continuity. Both these developments implied a cost, and would require some sort of contribution from those wanting to benefit from them.

The co-chairs would propose before the next Meeting a financial regime, probably differentiating between participating institutions having different levels of resource. The fees would contribute to a fund making it possible for different kinds of participating institutions to organise a Meeting; at present, only governments or generously-endowed private institutions could afford to do so.

It was probable that the basic structure would be retained. The two co-chairs would provide historical continuity. But the leading team would be augmented by a troika of the preceding, present and forthcoming organising institutions (in 2011-13, Boston, Baku and Belgrade), and the Rapporteur.

The intention was to continue with rotation of the Meetings between regions and continents, in consultation with participants. There had already been expressions of interest from Southeast Asia for 2014, from Africa for 2015, and from Latin America perhaps thereafter. But there was no rule; the Forum remained an informal gathering; it was not a diplomatic conference.

Dr Newberg observed that diversifying the group would be welcome, achieving a better balance of government and non-government actors, and reflecting more accurately the diplomacy of the twenty-first century. The modest fee structure proposed would make it possible for a wider range of institutions to offer a venue, perhaps combining the efforts of government and non-government organisations paired within or across borders.

If money was involved, there would need to be accountability. The co-chairs and the rapporteur undertook to bring forward a proposal on organisation and finance before the next Meeting.

In discussion:

- The conference had been among the best in the last ten years, with a range of actors and open-minded discussion. Agreed the co-chairs' proposals. (Albania)
- The programme had been well thought through. Agreed the co-chairs' proposals. (Kenya)

- The Meeting had been very useful, as expected, building networks and exploring joint projects.

It would have been even more useful had there been other actors, for example from civil society. Also, more would have been welcome on what and how to train diplomats, how to contribute substantively to the policy process. (Canada)

- The Forum was dedicated to diplomatic training, yet there had been nothing much on training. More was needed on best practice, targeted on trends in training. One session needed to be dedicated to methodology. (United Kingdom)

- It would be helpful in future if short papers could be distributed in advance as vehicles for discussion. (India)

- The updated website needed to make possible self-reporting, revised daily. (Switzerland)

Closing Remarks – Professional Diplomacy: Educating Americans and educating diplomats

Ambassador Ronald E Neumann, President of the American Academy of Diplomacy

It was a truism to say that the world had become more complex than in our day; (perhaps it had not, but we may have cared less when we operated under the simple paradigm of Cold War and containment). It was certainly now more complicated, with a multiplicity of new actors and a multipolar system.

The United States was still a player vital to solutions. There was thus a large and pressing need to educate US citizens to deal realistically with the policy choices of the government, and to educate US diplomats to cope with a leading role in the world. Both needed much work.

The Academy of Diplomacy was a small but elite group of those who had held senior positions in the practice of diplomacy – some two hundred people with between them seven thousand years of experience. They did no teaching, but were dedicated to strengthening American diplomacy, and the public's understanding of diplomacy. They published studies on both policy and function – for example on how many diplomats were needed. They briefed Presidential candidates and members of Congress.

A public ignorant of what was needed to implement policy was unlikely to support effective diplomacy. Why was this important? One of Aesop's fables applied: endangered by surprise attack by the cat, the mice resolved to put a bell on the cat; but when it came to putting the bell on the cat there were no volunteers. Sound policy, failed implementation. The same was true of foreign policy: there was plenty of discussion on what to do, but not enough on how.

Diplomats suffered from the popular image of cocktail parties, soft people with soft minds handling soft power, and giving too much away in support of dictators. It was an uphill struggle to convince people of the reality – riots, negotiating trade deals, starting a fledgling democracy programme in the Middle East, understanding foreign cultures in the midst of three or four wars. Foreign Service officers had volunteered to fill every post in Iraq and Afghanistan; they went regularly to posts too dangerous for families (18% were unaccompanied). They were not just sipping tea.

At the same time, diplomats faced new challenges. New issues were added to old priorities (which hadn't gone away). There were new bodies of knowledge to master, from economics to terrorism. They were enjoined to adopt a 'whole of government' approach. But that jargon phrase hid a major flaw – it assumed that technical competence equalled the ability to implement policy abroad. You could not deploy prosecutors without knowledge of a different justice system, with procedures that didn't fit the culture, or stomp with boots into a society they didn't understand.

Diplomats had to be trained in how to lead this effort which they could not simply command: how to deal with others, how to co-operate with the international community; how to interact with the military (who were well ahead in the cultural and political knowledge essential to interacting effectively with civilians). This training was even more vital now that two-thirds of US diplomats had been in the Service for less than ten years. There was a diminishing institutional memory on which to draw (undermining the complacent view that learning was best achieved on the job, by mentoring).

The State Department seriously lacked the ability to train. The military staffed posts fifteen per cent over and above what was required to cover transfers, training and wounded. But State had no training reserve. Training was not mandatory, nor properly funded. They were in danger of not training, nor staffing, to meet their leadership responsibilities. (The American Academy of Diplomacy had addressed this issue in a comprehensive study, 'Forging a 21st-Century Diplomatic Service for the United States through Professional Education and Training', available on its website at www.academyofdiplomacy.org).

At the same time it was necessary to educate Americans in what diplomatic practice meant. Thomas Jefferson had said in 1816, 'If a nation expects to be ignorant and free, in a state of civilisation, it expects what never was and never will be.' Yet in fact US citizens were profoundly ignorant of what it took to make diplomacy work or what it was all about.

There was, however, a growing area of teaching diplomatic studies, diplomatic practice as something separate from diplomatic history – the 'how', not just the 'what' of policy. It involved the study of policy-making, what embassies did, how policy was implemented.

It was a new area in US education, but without synergy. The American Academy of Diplomacy, in partnership with the Thomas Jefferson Foundation, had stepped into the breach, bringing together at Monticello academics and former senior diplomats who had gone into teaching for a conference on education and diplomacy.

They had identified a number of common issues for students: they wanted to understand reality; they wanted to learn to write succinctly; they wanted to identify solutions in terms that went beyond the goal to suggesting how it could be accomplished. In short, they wanted to understand the world of the possible.

The conference had looked at the pros and cons of different approaches to teaching diplomatic practice, including simulations, role play, case studies, memoranda and action papers. They had summarised the different approaches, but had not wanted to arrive at a single solution; they wanted a resource for practitioners, both experienced and new, which would expand the toolbox, enabling educators to teach people something they'd never seen – 'getting to outcome'. (A summary of the workshop, papers from the conference, course syllabi and an annotated index were to be found on the Academy's website under Current Programmes/Teaching Resources.)

Challenges remained. US diplomats needed to be trained to lead abroad, and Congress had to be pressed to fund diplomacy. Students, the leaders and electorate of tomorrow, had to be trained to confront practical realities. To do less, to concentrate on the goals of policy, the 'what' without considering how to bring it about, was only to build unrealistic expectations, leading subsequently to disappointment and cynicism.

The role of educators was important, perhaps crucial, in preparing those future leaders to make sound choices.

In discussion:

- 'Train for certainty, educate for uncertainty': technical training in soft skills, leadership and management; professional education enabling people to 'grow beyond what you know'. Good senior people looked up and out broadly.
- Lessons on the consequences of policy without considering implementation could be learned from the US experience in Afghanistan (cf. *Ron Neumann*, 'The Other War: winning and losing in Afghanistan'). A lot of time had been wasted when things had been easier. Problems of governance had been mishandled. Hedging strategies had been adopted, while turning for the door. There was a possibility of a return to civil war, with active support from Afghanistan's neighbours. The cost to the United States of losing the war was very high; the chance of winning was slight, but it was still possible.
- Western diplomats often were keen to offer solutions before listening to the locals explain the problem. The key skill was to listen, to understand what your interlocutor wanted. (It was hard to train bright, active young people to shut up and listen.) But it was not enough to listen, understand and then do what you had decided to do in the first place (cf. *Raymond Cohen*, 'Negotiating across cultures: international communication in an interdependent world').

- The gap between US policy and American public opinion on the Middle East was widening. Non-diplomatic issues predominated. The media focus moved constantly; attention spans were short; there was little expertise either on what to do, or how.

- The Arab renaissance was going to be a long process; the new governments could not fulfil the hopes of their people. The American public's responses had been distorted by homogenisation, ignoring the differences between the situations and societies in Tunisia, Libya, Egypt, Yemen and Bahrain. Islamist parties had won elections not because the region was turning to theocracy, but because they had been better organised. But the democratic process took time to mature; compromise for the greater good was a learned social behaviour, not an intuitive response. It was hard to achieve, and required patience. It was not certain that the United States could wait.

Wednesday 28 September

A number of participants in the Forum had the privilege of a comprehensive tour of the John F. Kennedy Presidential Library and Museum, conducted by Maura Porter, Senior Archivist, who introduced them to the archival collections and explained the programme of research.

Until the 1950s, former Presidents had donated their historical records, but the papers had remained their personal property, and they had retained the power of decision over access to them. This had changed with the passage of Freedom of Information legislation in 1966, and the Presidential Records Act in 1978, following the revelations on the Nixon Administration. Policy on opening and de-classifying Presidential papers now was governed by President Clinton's Executive Order 12958, and President Obama's Executive Order 13526. (Simply put, you had to open the Papers, though there still were procedural and conditional obstacles to access.)

The Kennedy museum and archive had been opened in 1979, and contained some 500,000 pages of documents and fifty hours of classified recordings. (Kennedy had been the first President to record secretly his conversations and telephone calls. Only Robert Kennedy, Ken O'Donnell and Kennedy's secretary, Evelyn Lincoln, had known. The reel-to-reel system below the Oval Office had been manually operated rather than voice-triggered, and had recorded conversations between June 1962 and November 1963.)

President Kennedy's close friend and advisor, Dave Powers, had been the driving force behind the Library project, raising funds by public donation to provide an endowment which paid for the library's staff and programmes.

Some 50,000 documents were viewed each year. The whole collection was in the process of being digitised (a costly process for which there was little budget).

New additions dribbled in as people died, as families and friends discovered and delivered documents. (There were four hundred related collections.)

An Oral History programme was almost complete, capturing personal perceptions of complex decision-making. It had been started in 1964 by Robert Kennedy. (The main collection was at Columbia University; the second largest tranche was at the Kennedy Library.) In early interviews, soon after the assassination, the respondents had still been in shock; by the 1970s, greater detachment had been achieved. Cross-referencing helped to modify self-aggrandising and skewed memory.

The Library was part of the National Archive System, and served a holding function for other Departments and Agencies. The National Security Council retained papers needed by subsequent Presidencies.

John Hemery

Rapporteur