Full Circle: New Principals and Old Consequences in the Modern Diplomatic System

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Originally written for a conference marking the 350th anniversary of the treaties of Westphalia, the article argues that, although the surrounding circumstances are very different, there are some interesting parallels to be drawn between the problems of the early seventeenth century and those of the end of the twentieth. The principal shared characteristic is that power was then and is now on the move between one type of institution and another. This resulted and results in the development of unusually complex relationships between new institutions unfamiliar with each other and a continuing need for them to deal with decaying but surviving entities from the past. In such circumstances both the structures for forming and managing policy and the machinery for conducting relations underwent and are undergoing marked and stressful change, as the old strives to adjust and the successors attempt to construct new and appropriate means of representation. Where the Westphalian period, under the pressure of state formation began the construction of ministries with sole responsibility for foreign affairs, the present period is seeing a corresponding dismantling of the autonomous foreign ministry under the pressure of globalization. In diplomatic services a similar correspondence may be seen: state services decline, but private entities, whether commercial or civil, are beginning to create means of representing themselves both to each other and to national governments: old problems, but new principals.

It is commonly asserted that the Treaties of Westphalia marked the emergence of the modern states system in international politics. Whether that is completely true may be argued about; but it would be difficult to deny that the early seventeenth century saw important changes in the assumptions and structures of international relations and did so on a greater scale and at greater speed than those arising from inevitable and constant evolution. It is also commonly asserted that the contemporary period is the scene of at least as great and probably more overwhelming changes in the structure of international relations and that it might reasonably be added that we are watching the death throes of the system that was initiated, if not introduced, at the time of the Westphalia settlement.

Despite this sense of things, there are obvious difficulties about comparing the two developments. One was west and central

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European, our own is global in scope. One was characterized by extreme difficulties in communication, our own rests on the extreme ease of communication, both in speed and in the variety of methods available. The earlier phase showed marked institutional change and increasing political power accruing to a new entity - the emerging autonomous or nearly sovereign secular state. Our own time seems to demonstrate a waning of institutional cohesion and the elevation of the importance of individual human activities. The societies of western Europe were in many ways becoming more similarly organized 350 years ago - similar enough to be able to begin to make realistic comparative observations about each other, though not yet near the emergence of nationalism as a means of describing and capitalizing on relative, if essentially small, differences. However, the contemporary division between those connected to cyberspace and that other half of the world's population that has yet to make a telephone call, is introducing huge differences of opportunity at various levels of human development and organization. The contrasts are uncomfortable and intractable and the resulting unhappiness seems likely to escape the bounds of currently functional political and administrative systems.

For all these immense gulfs, there are some informative comparisons to be made. A fundamental one is that both periods were affected by strong pressures on the international system generated by developments from outside it. In the first case, those developments had to do with secularization following the Reformation in Europe, the successful establishment of independently acting states and the retreat of non-state jurisdictions and universalist ideas. The result was the gradual construction of an international system based on the principle that states alone had the right to be actors. What followed was a long period in which that principle was unchallenged and allowed the international system to exert pressure on the actors to conform: a reversal of what had happened during the emergence of the system. In the present case, raison de système has ceased to operate, or at least to operate reliably, and once again it is factors external to the system which have the whip hand: an international system consisting only of states or organizations which are the creatures of states cannot cope with developments and pressures which, because of the effects of the

global communications revolution, extend horizontally across state boundaries and evade the controlling policies of their governments. Only when the process of change has produced a really new world order reflecting the realities of the distribution of power among both the old and the new possessors of it, will a new system develop able to extrude similar pressures to conform.

II

At times when a system is being formed rather than ensuring conformity, two particular areas of activity might be expected to come under strain. When power is on the move from one kind of entity to another, and taking a century in the process, there will be lack of clarity about who really possesses it and thus uncertainty about the optimum structure for the policy-making mechanisms of both old and new entities as well as what policy should actually be. The second and perhaps most sensitive area is in the machinery by which relations were being conducted, which will inevitably have been formed to meet the needs of a different troupe of actors from those now crowding onto the stage.

The cause of uncertainty about the locus of power lay in a structural change induced by the emergence of independent, secular, states. They related to each other in a fundamentally vertical way, as a group of free-standing upright blocks and exchanged opinions and information, embarked on negotiations and, at times, came to blows through a network of contacts linking the blocks. The most obvious example of this shift had been the evolution of the resident ambassador, a process just reaching its conclusion in the early 1600s. Nothing could have more clearly confirmed the significance and profundity of the change than this development. The duties of a resident could only be to further the interests of his principal. The Italian city state system had generated the resident earlier and produced a clear statement of what it meant: 'The first duty of an ambassador is exactly the same as that of any other servant of a government, that is, to do, say, advise and think whatever may best serve the preservation and aggrandisement of his own state'2 and to provide him with the best possible information about conditions, particularly political conditions at his post. Echoes of earlier

obligations could occasionally still be heard – such as to the general obligation to seek peace, or to further the interests of Christian Europe as a whole.³ But the most important member of the diplomatic machine was now committed to serving the needs of an individual state and other parts of the system were being reconstructed - amidst much turmoil - to accommodate the existence of residents.4 At this point, however, the new diplomatic figure was far from being the only one. Increasingly, diplomatic traffic of all kinds was being entrusted to the resident, but episodes of diplomacy conducted by special missions - once the only kind - continued to happen, and highly ceremonial missions, generally related to royal births, marriages and deaths, also continued to have a separate life. Moreover, this paralleled the fact that while states and their resident ambassadors had arrived, they had not yet squeezed out the structures and assumptions of the past. Two extremely important ones survived: the notion that some duty was owed to the idea of Christian Europe, particularly when seen against the active threat from an Ottoman Turkey not yet in decline. This led to extremely uncomfortable paradoxes between appeals to restore Christian unity and a general tendency of rulers to wriggle out of abandoning the independent pursuit of their more immediate interests which responding to the appeal would have implied. The second and more powerful survivor was the notion of the continuing role of the Holy Roman Empire as at least a pan-German institution, even though the Reformation itself and the subsequent extensive and particularly violent warfare which it had induced, had begun to destroy it. It is clear that the French supposed that the Empire could not and would not survive in the face of the fissiparous tendency which state making emphasized, and sought to base their anti-Habsburg policy on encouraging German princes to seize complete sovereignty; but, interestingly, they refused to do so.5 More shadowy was the universal role which the counter-reformation papacy still claimed. The claim, for example, led the Pope to declare the Westphalia settlement null and void; but its shadowy nature allowed the parties to ignore the Pope's condemnation entirely. What all this meant was that there was a thoroughly confusing mixture of older, declining, universalist authorities, operating essentially horizontally across the system, and newer, rising, vertical centres of power located in independent, secular, states.

Another aspect of this is well illustrated by the contrast between the development of administrative machinery for foreign policy making and management in France in the early seventeenth century and the less advanced systems to be found in other courts. What happened in France was to become generalized, but, like other aspects of the emergence of the European states system, not until the eighteenth century. In this, as in other aspects, the Westphalia period was one of transition rather than completion. Much as the French were quicker than others to adopt a non-confessional foreign policy and assume the complete autonomy of states, so they were also quicker to construct new administrative principles and procedures for making and managing foreign policy.

Richelieu started the construction of foreign policy from a new point of view. He believed that it was a continuous activity, not an occasional necessity. The spread of resident ambassadors suggested that this was becoming so, but the stresses of religious wars and conflict generally had limited the pace of development. Richelieu followed the logic more completely. The contents of French instructions to ambassadors reflected and depended on a continuous flow of information at Paris, both inward and outward, which in turn implied the keeping of records and looking at relations with other rulers as an ongoing process, part of a continuum. In order to make a success of this, there had to be a unified system of management, under consistent and identifiable control, derived from a single source. All these things were largely, indeed more or less completely, absent in contemporary Europe. In states where effective, centralized government was either unknown or only occasional, foreign policy could depend on the coming and going of court favourites, the whim of a monarch and accidents of administrative chaos - to name just three possibilities. The particular administrative problem which afflicted the French regime had arisen from the fact that foreign policy was managed from the edges of the realm. Where France abutted on other entities, the conduct of relations with the neighbours were in the hands of the local officials. When the government of France stabilized into the rule of Richelieu followed by Mazarin, and this coincided with the opening of France's period as a super power, the rising significance of external relations, together with Richelieu's continuously careful attitude towards them. led to the creation of a foreign ministry, a single, separate, office for the keeping of records and the control of French foreign affairs. The fact that the French did this, but others as yet did not, is evidence of the transitional nature of the contemporary international system. Further evidence can be seen in the extraordinary complications of diplomatic procedure in the period. As with the emergence of foreign ministries, the process of adapting diplomatic procedure to the needs of a states system took 100 years to complete. Part of the problem was straightforward: the procedure suitable for occasional, special, missions travelling long distances and residing temporarily with the receiving principal, were not appropriate for a world of resident ambassadors essentially participating in a continuous web of diplomatic activity.

Time and many confusions dealt with the problem in the end. Perhaps more seriously, and more germanely for the present purpose, there was a second reason. The confusion over diplomatic procedure was partly due to uncertainty over the relative power and significance of the contemporary actors, itself entirely understandable in a situation where different actors derived their relative importance from different types of power: the Holy Roman Emperor and the Pope relied upon universalist traditions, France on the economic and military weight of a nearly modern state and the Dutch on cohesive organization, commerce and sea power. If like was not speaking to like, then diplomatic signals took on added importance.7 At Münster and Osnabrück, the difficulties encountered by Fabio and Contarini as mediators - an office beginning to be old fashioned - reflect the point, as did quarrels about language and the use of written submissions. But it was issues of precedence and protocol that particularly dogged the negotiations. The discussion of objections to full powers, though always significant in an age of slow communications, was intense and took literally years to complete; and the decision to hold the meetings in two places owed much to fears that the French and the Swedes would never be able to agree on procedure. The French who represented the wave of the future were particularly anxious that protocol should make their point for them. The French delegates bewailed the fact that smaller actors make

very unjust demands, which, in some way, are prejudicial to the dignity of the king, since, desiring from us the same honours

that they grant us, they establish by this means a certain equality between His Majesty and their masters. That, by the way, which is accorded to the one among them who holds the first rank undoubtedly has consequences for all right down to the last. The Dutch, for example, refuse to see us if we make any difference between them and the Venetian delegates. The envoy of Savoy intends to adopt the same stance if we do not treat him like the Dutch. And, after that, the delegates of the electors, of Genoa, of Florence, and several others will feel entitled to break off all intercourse with us if we deny them that which we will have granted the Savoyard envoy ... (the Dutch see) the power of their republic, which is closely associated with France ... as creating an advantage for them over Venice, and the complete independence of their state, which, according to them, creates a very different situation from that of Savoy, which is under the suzerainty of the Emperor. When we ask them if, therefore, they mean to aspire to any equality with the king, they say no, but also that we would do them a greater injustice if we made any difference between them and Venice or if we introduced any equality between them and a vassal of the Empire, who recognises even the electors as his superiors.8

The root of the problem was clearly that it was possible to have a suzerain, but still run an effectively independent foreign policy – as the German estates largely did – in the same system as fully independent states, a particular and different condition fully understood as such. This understanding was demonstrated by the behaviour of the Spanish towards the Dutch after the formal treaty of separation of 1647.9 Indeed, so well understood had it become that the French found it difficult to understand why powerful German rulers did not aspire to it. The inconvenience of the need to deal with such an intensity of procedural haggling drove some business out of the conferences and into a bilateral mode typical of the system in the making. De Callières, while agreeing on the importance of the Congress of Münster/Osnabrück, also recorded that

the Peace of Münster, although one of the most difficult and allembracing which have yet been made, was not only the work of the assembled ambassadors. A private envoy of the Duke of Bavaria journeyed secretly to Paris and arranged the principal conditions with Cardinal Mazarin. The Duke himself then entered into negotiations with the Emperor. For if Bavaria were to retain the conquests it had made in the upper Palatinate during the war, then this useful Prince well understood that it needed the good will of the House of Austria and the friendship and protection of the French Court. Being thus convinced, he took these measures to bring the Emperor, the King of France, the Queen of Sweden and their numerous allies to conclude peace along the lines laid down earlier at Paris.¹⁰

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The contemporary international environment demonstrates some stresses arising from fundamentally similar causes but operating in the reverse direction. The insertion of the state into the system during the sixteenth and early seventeenth centuries became an unstoppable development: by the end of the eighteenth century the state had chased away any other actors in the system and established its own representative mechanisms as the only accepted and legally defined route for inter-state exchanges. The system thrived and developed more and more complex aspects as the demands of its proprietors became more continuous and broader in scope. One highly significant by-product of this was that the accumulation of empires spread the notion and assumptions of state structures across the globe – often inappropriately so.

During the nineteenth century, having introduced an element of political cooperation through the Concert of Europe, though strictly subordinated to the wishes and the limits set by its members, there grew up a substantial body of inter-state administrative cooperation. This was a response to the immense growth in the internal powers of the governments of states arising from technological advances and the demands of their populations that they be used in socially beneficial ways. The effect of technological advance on the conduct of war coupled with and reinforced by the controlling might of governments produced the catastrophic strategies of the 1914 War. At its end, the revulsion which followed from its course led to the establishment of the League of Nations which represented an effort

to reconcile huge state power with a controlled and peaceful international environment. The method combined the nineteenth century experience of administrative cooperation with a much tougher version of the Concert of Europe and it rapidly failed in the face of a deep imbalance in the power structure within the international system. That power structure remained dominated by states, whose authority was still being strengthened by technological advances whether industrial or in communications. The last phase of this vertically arranged deployment of international power followed the Second World War and became global in its spread. The bi-polar system divided much of the world formally and the remainder informally between sub-systems controlled by the USSR and the USA respectively. A new attempt to control international conflict via a central organization rapidly fell victim to this arrangement, and the United Nations was not able even to attempt to fulfil its function until after 1989, when the bi-polar division collapsed with the demise of the Soviet Union's ability to maintain itself vis-à-vis the USA, followed by its actual implosion.11

These events were not merely another twist in the history of the distribution of power among states. This time the nature of power itself was undergoing change, and power was thus deserting one kind of beneficiary in favour of others: and those others were and are not states and governments. Moreover, the change is being accompanied by a structural shift which is distributing power horizontally in ways not seen since the sixteenth century rather than vertically through the institutions of states competing among themselves for relative power and security. Meltdown, for once, is a more or less accurate description. The cause is well known and needs no further discussion. The latest phase in the advancing technology of communications has by a combination of telephone, microchip and orbiting satellite created a global communications network which has escaped from the control or even the management of governments. It is not authorities but activities that have been the gainers and it is not governments but individuals and companies who have been empowered. These activities, particularly economic and financial activities, have acquired a fully global scope: they spread out like interlocking pools of oil or water moving horizontally across the surface of the globe and they seep into the foundations of states, who begin to lean like the Tower of Pisa and in some cases have collapsed leaving no alternative vertical structure where once they were.

The result of all this is highly confused. States have not gone away, nor will they do so; indeed, in some respects they have acquired new roles in response to the pressures of economic globalization. But they have been scaled down, and as their field of operation has narrowed, so the possibility that much smaller states may now have acquired viability has given a fillip to particularisms of every kind. There are now more states, performing reduced and different functions. In parallel, there are now swathes of activities at a global level which constitute new centres of power flowing across state borders and to which states must conform or be ignored and perhaps disadvantaged. This has produced a crisis in the management of global relations and it has done so in the same areas that have already been discussed: the machinery for the formulation and management of state foreign policies has come under serious stress and, secondly, there has developed a need to respond to the existence of new actors in the system and, just as important, a need for these new actors to find effective ways of representing themselves both to each other and to the surviving elements of the previous system. 12

The mixed cries of rage and lamentation which foreign services have lately and for some years now been emitting are the result of significant shrinkage following severe cost cutting exercises. The reasons for them are complex. There is a sense that foreign ministries and diplomatic services are not as useful as once they were. At one level, this follows from faster and faster communications and a general ease in locating information both of which trespass on areas of expertise once more or less the sole preserve of diplomacy. Changes in style of government have given a major role to prime ministers and other rulers who might earlier have gratefully left foreign affairs to foreign ministers and their staffs. But there are deeper shifts involved: and they have paradoxical results. The correct sense that states are no longer the only actors in the system and that other entities - or in some cases no entity – have inherited some of their powers and duties have served to reduce the respect formerly accorded to those who were seen as the protecting rampart against the disaster of war or other threats to the national interest. It is simply much less clear what the national interest is when it must be assessed not just in the context

of potentially conflicting vertical structures of power, but also against the background of global shifts and pressures operating horizontally across the system with little or no reference to state boundaries. On the surface the effect seems to allow states, already under financial stress arising from the practical and political difficulties they encounter in raising adequate tax revenue, to economize on foreign services quite safely. But in reality the external world has become much more complicated: not only are there many more states, operating at more varied levels of size, power and efficiency than has been seen since the seventeenth century, but there are a proliferating number of non-state actors with whom relationships must be maintained. One consequence is a nimbus of discomfort, overwork and less competent performance. Another has been the diffusion of activity and responsibility for foreign affairs across a wide swathe of government departments. Where the Westphalian period, under the pressure of state formation, began the construction of ministries with sole responsibility for foreign affairs, the present period is seeing a corresponding dismantling of the autonomous foreign ministry under the pressure of globalization. The process has been going on since the 1920s, but it was gradual and not very obvious until the later twentieth century, when the outflow of responsibilities became a cascade. In Europe, the development of the EU has plainly permanently altered the relationships between the members, so that much of what had been foreign has effectively become internal, with the result that the appropriate domestic ministries deal both with each other and the central administration in Brussels. It is part of the Maastricht treaty that foreign affairs in respect of the rest of the world should now themselves be centralized in Brussels. The European example, however, remains unique. Nonetheless, all states share in the fact that some of the great global issues – the environment, in its many forms, human rights, transnational crime, migration and economic globalization cannot be handled just by foreign ministries: interior ministries, economic ministries, justice ministries and, not least, finance ministries must all be involved. For foreign ministries there is a new duty of coordination, but that is not the same thing at all as having absolute control and being the only point of entry and exit for foreign matters, whatever their subject. The modifications have already gone a long way, but there is farther yet to go. 13

In some ways, what we have here is a crisis of representation. The old machinery of diplomacy knew that it existed to represent states to other states and just occasionally to combinations of states in various forms. It is not just that it is difficult to adjust to the necessity to represent the continuing state to non-state actors. It can be rendered impossible where new centres of power have emerged, but have not yet generated their own structures and thus cannot represent themselves and is in any case difficult if that process is still unfolding. The present international environment demonstrates all of these conditions. Amnesty International,14 for example, and the ICRC, can represent themselves and have become accustomed to doing so. The great global charities, MSF, for instance, are fast extruding mechanisms for representing themselves as they struggle with humanitarian crises where solutions must be found at a more complex level than temporary volunteer work will supply. 15 This is an area of fast moving change, affecting other private organizations, governments and the UN alike. However, in the areas of global information flows - some of it actively dangerous - the global financial and stock markets and the related activity of currency speculation, there are no structures which could represent them and they therefore cannot be approached. Since their activities crucially affect the stability of governments, the employment prospects of the human race and the consequent incidence of revolution and warfare. this lack leaves a gaping hole in the global system.¹⁶ The early seventeenth century found it hard to know how to deal with waning universalist political authorities who usually demanded rights of representation beyond their deserts; the contemporary period finds it impossible to deal with waxing centres of power who as yet refuse to represent themselves. It is a reverse image of the mirror which a late seventeenth century imperial ambassador demanded to sit opposite so that he should see himself rather than any lesser representative, in order to express the superior nature of his position when in practice it no longer existed.17

There is a parallel, even consequential, situation affecting international organizations which are associations of states. The UN itself is an example. Where talk of reform and a new era of power and influence was predicated on changes to the authority of the Security Council, perhaps accompanied by the establishment of

permanent or permanently available UN military forces, it is now clear that serious change is required and is beginning to happen incrementally in quite a different area. The UN was inevitably, given the circumstances of its creation, constructed on the basis of improving the League but still respecting the sovereignty of its members and with no concept that there could be any other users of international power that were not states or creatures of states alliances, for example. The world is very obviously not built like that now and the expectation, still upheld by at least one permanent member of the Security Council, that the UN's dealings could only be bilateral, with the government of a state, is anachronistic. The likeliest crisis is one flowing from the collapse of a weak state, leading to an economic, often military, and administrative disaster. Governments have clearly demonstrated that they are not good at handling that situation, or at giving the UN adequate means of doing so, and tend to act, if at all, indirectly, through private organizations. The most interesting and fruitful evolution at the contemporary UN is to be found in the imaginative ways in which it is learning to work with non-state actors as well as with, or occasionally fending off, its progenitors and constitutional proprietors. 18 The process is slow and difficult and works best in matters of humanitarian concern and. increasingly, human rights. For the economic organizations, particularly the World Bank and the IMF, the same difficulty applies. Bi-lateral arrangements with governments agreed on behalf of the member states were what they were created to make; but, as Indonesia has recently shown, there can be severe limitations on the effectiveness of such arrangements where the government in question cannot honour the agreement and where the cause of the problem does not lie or does not only lie in the country concerned. It is particularly noticeable that it is where the forces of economic globalization are operating most strongly that state-based responses, whether induced by the IMF or not, are least effective, either internally or externally, collectively or singly. Here is a contemporary example of two markedly different styles of international activity now existing simultaneously, in practical terms developing different jurisdictions, demanding different institutions and different assumptions for their management. The Queen of Sweden, the Emperor and the German estates, Cardinal Mazarin, Oliver Cromwell and the collective leadership of the Dutch Republic would all have recognized the symptoms even if they could but dimly have diagnosed the disease.

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NOTES

- See M. Wight, System of States, ed. H. Bull (Leicester, 1977); F.H. Hinsley, Power and the Pursuit of Peace (Cambridge: CUP, 1963); A. Osiander, The States System of Europe, 1640-1990 (Oxford: OUP, 1994).
- 2. Ermolao Barbaro (c.1490) in V.E. Hrabar (ed.), De legatis et legationibus tractatus varii (Dorpat, 1906), p.66.
- 3. A resonance of du Rosier (1436): 'The business of an ambassador ... is peace ... An ambassador labours for the public good ... An ambassador is sacred because he labours for the general welfare.' quoted, from Hrabar, in G. Mattingly, *Renaissance Diplomacy* (London, 1955), p.48, can be heard in Queen Christina claiming to seek peace as a general objective: see Osiander, *The States System of Europe*.
- 4. For immunities see K. Hamilton and R. Langhorne, *The Practice of Diplomacy* (London, 1995), pp.40-46
- 5. See Osiander, The States System of Europe, chapter 2, particularly section 5, pp.72-7.
- 6. See Hamilton and Langhorne, The Practice of Diplomacy, pp.71-4.
- 7. See ibid., pp.47-9.
- 8. The French delegates to Anne d'Autriche, 29 April 1644, quoted in Osiander, *The States System of Europe*, p.84.
- 9. Osiander, The States System of Europe, p.86, quoting a report of the Swedish delegates, 21 Jan. 1647.
- F. Callières, De la manière de Negocier avec les Souverains (Brussels, 1716), p.373 (my translation), quoted in R. Langhorne, 'The Development of International Conferences, 1648–1830', Studies in History and Politics, II (1981/82), p.69.
- 11. See R. Langhorne, 'The Historical Context', in D. Armstrong and E. Goldstein (eds.), The End of the Cold War (London: Frank Cass, 1990).
- See J. Dunning (ed.), Globalization: A Two-Edged Sword (New Jersey: CIBER, Rutgers-Newark, 1998).
- 13. See R. Langhorne and W. Wallace, 'Diplomacy towards the Twenty First Century', in B. Hocking (ed.), Foreign Ministries: Change and Adaptation (London, 1998).
- 14. Amnesty International has had an accredited formal representative to the UN for 20 years. The rising significance of the connection, and of the importance of human rights, can be seen in the fact that the present holder is the first non-lawyer and the first to have experience of the UN system. Interview with Iain Levine, New York City, 9 June 1998.
- 15. See R. Langhorne, Diplomacy beyond the Primacy of the State (Leicester, 1998).
- 16. See last section of R. Langhorne, 'History and the Evolution of Diplomacy', in J. Kurbalija (ed.), *Modern Diplomacy* (Malta, 1998).
- 17. O. Weber, Der Friede von Utrecht (Gotha, 1891), p.203, quoted in R. Langhorne, 'The Development of International Conferences 1648–1830', Studies in History and Politics, II (1981/82), p.72.
- 18. A. Donnini, (1) 'Surfing on the Crest of the Wave until it Crashes: Intervention and the South', *Journal of Humanitarian Assistance* (Oct. 1995); and (2) 'The Bureaucracy and Free Spirits: Stagnation and Innovation in the Relationship between the UN and NGOs', *Third World Quarterly*, Vol.16, No.3 (1995).