

THE UNDERPINNING OF DIPLOMACY IN INTERNATIONAL CONFLICT RESOLUTION: A VIEW FROM AFRICA

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ABSTRACT

The paper did set out to examine the underpinnings of diplomacy in the resolution of global conflicts resolving conflicts with special cognizance given to the African continent. African conflicts are generally situated as having hydra head which makes resolution most difficult or unresolvable by most literatures. From the standpoint of the nature and pattern of Africa's conflicts, the influence of geo strategic agendas underlines them, thus, conflicts in the continent been described as hydra headed. Ironically too, the leading nations of the current global system that are involved in these conflicts are the ones leading the charge for the resolution of these conflicts. The question then is how could the leading states that are also known as "interested parties" in African conflicts ensures its resolutions. The attempt of proffering answers to the question led the paper to several conclusions that includes - the biases of these leading nations that underpins these conflicts are laced in the geo strategic agendas which ultimately is to exploit Africans and Africa for the benefit of their countries. Thus their effort at resolving African conflicts is just a farce. These conclusions did inadvertently lead to the recommendations canvass herein.

Keywords: *Diplomacy, Adjudication, Conflict Resolution, Negotiation, International Court of Justice and International Criminal Court.*

1. Introduction

The treaty of Westphalia (1648) did usher in the "state system" that encourages interdependence and sovereignty of states. From 1648 onwards, states began projecting into other states through diplomacy and foreign policies. The complexities emanating from the projection of foreign policies by states through diplomacy or diplomatic channels across the global system had caused series frictions amongst states. Africa was not insulated from the general happenings in the global system. Africa has had to put with the geo strategic agendas of the more illustrious nations of the global system. These geo strategic agendas of these nations caused Africa great social, economic and political dislocations, thus, making the continent the hotbed of conflicts. It was due to the regular occurrence of conflicts in the continent that prompted Kaplan (1978) to describing Africa as the "coming anarchy". This was rather preposterous to say the least, as the description did situated Africa as a continent with one product for the rest of the world and humankind - Anarchy – the question this scholar (Kaplan) failed to answer or asked himself was – how did Africa get to this pitiable

state and how is it that Africa cannot resolve its own conflicts. Kaplan (1978) in all his postulations and analysis acknowledge one simple fact that "Anarchy" from Africa will consume the rest of world if not properly handled and addressed through arbitration and adjudication. To scholars like Ebegbulem and Adams (2022) that both added "diplomacy" and "foreign policy" as vent or means to resolving African conflicts acknowledged what Kaplan (1979) failed to address - which was how did Africa get to this hopeless and helpless situation? Ebegbulum and Adams (2022) commenced their analysis towards proffering answers to the question raised inter alia by posting that the concept of diplomacy in international relations had remained contentious and would remain so, for the reasons of conceptual framework in which the subject matter diplomacy is approached or addressed. For this reason both scholars pointed out that there exist plethora of definitions of the term and concept of diplomacy, thus, depending on the approach and framework one is using or adopting to address the subject matter. To this extent therefore, there, exist a myriad of definitions of

diplomacy across the sphere of scholarship, for example Nicholson (1964) sees “diplomacy as the management of international relations by means of negotiation; methods by which these relations are adjusted and managed by ambassadors and envoys; the business or art of the diplomat” but Alade (1997) note thus diplomacy is the application of intelligence and fact to the conduct of official relations between states by peaceful means. From the standpoint of Alade’s (1997) perception, it follows that the concept and history behind diplomacy dates back into the history of the international system, thus, the question – how effective has diplomacy been in the resolution of global conflicts? Lee and Hocking (2011) in joining the debate, with the intent of proffering answers noted;

In the broadest sense, diplomacy refers to the conduct of human affairs by peaceful means employing techniques of persuasion and negotiation. In the more specific sphere of international politics, though the utilization of such techniques, it has come to be regarded as one of the key processes characterizing the international system and a defining institution of the system of sovereign states – often referred to as the Westphalia system after the 1684 peace of Westphalia.

Again, from the standpoint of all the definitions that embraces some key important distinctions which “albinatio” needed to be espoused on upon for effective understanding. The first being that at the state level, the term is almost frequently been used (particularly in studies of diplomatic history as a synonym for (foreign policy). The most common usage of it is when it is used to refer to a means by which the policies are implemented. Secondly, it is viewed as an institution of the international system; though these is a distinction between diplomacy as a set of processes and as a set of structures through which these processes are conducted. To this extent, debates about the continued usage of diplomacy in the contemporary international system/politics frequently reflect confusion between these meanings and definitions. In the mist of the plethora of definitions and meanings of the term and concept of diplomacy, it has become pertinent to note that the debates over its

meanings are underlined with orthodox and non-orthodox approaches. At the heart of the “realist” and orthodox approach to diplomacy in the contemporary global system is the undisputed evidence(s) in a series of key features found in the realist approach to diplomacy. The most glaring features of the realist approach is the focus on sovereign state as the primary unit of analysis in diplomacy which invariably confines the study of diplomacy to states – processes and state relations; how sovereign states seeks to engaging one another. Thus the orthodox approach sees diplomacy as processes of communication, negotiation and information sharing among sovereign states. Again, from the standpoint of the orthodox realist approach diplomacy which essentially resolves around the activities of professional diplomats – that is officials of foreign ministries and overseas missions, in the light of the unending debate over the orthodox realist approach to diplomacy did caused and helped shaped the thoughts and position of North America scholarship over the subject matter, thus, their construing diplomacy in the most narrowest fashion and perception as a foreign policy tool of states: that is diplomacy as statecraft. From the definitions of diplomacy so far in the discussions, one glaring fact is the ordering role these definitions ascribe or input to diplomacy, especially, in an anarchic and unstable international system – a view that is deeply rooted in realism. Lee and Hocking (2011) advanced the logic that the study of diplomacy had gone beyond the realisms of the realist approach, thus, their declaration:

In recent year, there have been significant conceptual shifts in the study of diplomacy and as a result those studying diplomacy are able to choose from a wider range of analytical approaches. The customary view of what the proper study of diplomacy entails is now consted by scholars who apply analytical strategies drawn from constructivist, postmodern and critical international relations theory to draw attention to the necessity of understanding international relations – and diplomacy – beyond the state and the international state system. As a consequence, the study of diplomacy has stepped outside the narrow state

centric security nexus into a world of diplomacy that is more varied but also more difficult to specify.

Non-orthodox approaches are analytically diverse yet they share a common point of departure from the orthodox approaches which had emanate from a refusal in the accepting the state as the primary exclusive unit of diplomatic analysis. To this school of thought diplomacy is seen as a more open-ended process where diplomatic agencies includes the state and a varieties of non-state actors, thus the emergence of “sociological concept of diplomacy” that incorporate diplomacy qualities such as economic, cultural, social and political quantities and functions. The recurring decimal in this approach that had remained problematic is the core idea of foreign ministry and its overseas missions being the sole agent of diplomacy. Thus non-orthodox approaches subscribing to the view that the study of diplomacy goes beyond foreign ministries, overseas missions and state officials that work in these government institutions and international organizations to potentially include diplomatic networks drawn from all sections of domestic and international society covering any number of issues from environment and e-commerce to avian flu and landmines.

In sum, non - orthodox approaches to diplomacy do not always tie diplomatic practices to the state, nor to the problem of anarchy. Instead diplomacy is seen as a means of connecting individuals, groups, societies, economies and state to build and manage social relations in domestic and systematic environments. To this end, Lee and Hockings (2011) concluded;

By moving beyond traditional realism, non - orthodox approaches to the study of diplomacy have promoted greater theoretical reflection and created an intellectual multiplicity in the analysis of diplomatic practices modes and processes.

Whatever purview one decides to situate his/her analysis is entirely the individual prerogative. That being said, the analysis or the thrust of this paper makes it an imperative not to go beyond the state/nation. Again, it beholds on the analysis to give a synopsis of diplomacy

in the current global system. It would help bring some clarity to the topic and thrust of this paper.

The Origin of Diplomacy

While it is generally acknowledge that amongst practioneers and inappropriate alike have all noted that there is a division amongst them due to perceptions and school of thought(s) where such perception is situated. The division as already noted stem from whether diplomacy should primarily be state based set of political processes or whether it should be based on set of networked based political processes. In spite of this division, the practice of diplomacy has a long history which most scholars situate with the emergence of the state system – the treaty of Westphalia (1648). Though in some quarters the history of diplomacy predates the Westphalia treaty, in which they claim that diplomacy and its institutions have a much longer, more complex, pedigree, identify as existing in some of the earliest human societies (Kana, 2000). To this end, rather than being associated with specific historical epoch or era, diplomacy has been seen as a response to a set of needs and requirement namely the mediation of separateness between communities and the desire and the need to establishing modes of communication between them. The earliest known tradition (documents/recordings) of what is now regarded as formalized diplomatic practices was found in (approximately) 2500 BC in the area that is now the Eastern Mediterranean and Middle East. This tradition reveals one of the most familiar features of contemporary diplomacy, namely the practice of using resident ambassadors, thus, the practice in the Mediterranean predates its usage in the modern European context by some 3000yrs. The snag here is that elements of diplomacy and diplomatic institutions were identified in other international systems like those of Greece, Rome, and China, but none of these systems possesses what can be regarded or considered as key characteristic of a fully fledged diplomatic system namely: effective communication, set of procedure and conventions governing patterns of communication and capacity to mediate

between diverse cultures. In general terms, the growth and development of diplomacy had been determined or predicted by the characters of the societies/state that sought to mediate, dominate the international environment through the availability of modes of communication and technologies. Thus in this context, Lee and Hocking (2000) noting:

In the European context, the medieval era witnessed the growth of diplomatic processes as international relationships became more complex and dense. But this occurred in a period when the sovereign state as we recognize it had not emerged. Against a background in which Universalist ideas represented by the concept of Christendom underpinned by the authority of the Catholic Church and the Holy Roman Empire were dominant reality diplomacy was not yet associated with the state, involving diverse political units.

Whilst states rulers were engaging in sending of missions to one another, so too did other entities – commercial, ecclesiastical and private – in the medieval landscape. It is pertinent to note that the precise functions of the representatives were circumscribed. Simply put, most of the diplomatic agents or representatives were acting “nuncius” whose primary function was to act as the mouth piece of the principal.

As the processes of interdependence kept increasing or accelerating, so for the complexities arising from interactions towards the tail end of middle century, consequently, the use of officials (procurators) granted the ability to engage in negotiation. In short, at the dawn of European diplomacy, it was primarily state centric in approach, though, fluid and flexible. Procedures were adopted in time of crisis. In conclusion, at the fall of Christendom which coincided with rise of the state system, greater capacity in communication was required, especially, in an environment that was dynamic and rapidly changing.

Modern Diplomacy

From the above analysis, what became noticeable was the growth of modern diplomacy, which by all intent and purpose had its roots in the efforts of the past, thus, Lee and Hocking (2000) declaring that “modern diplomacy” was loaned out of the past. In

institutional terms, its key feature and development was the growing utilization of the resident ambassadors. This was not a practice that was unfamiliar or unknown, rather, it assumed a more specific and targeted purpose directed at specific requirement of the time. By all intent and purposes with the growth of modern diplomacy, ceremonial and symbolic functions remained significant – the growing need for the gathering of reliable and continuous information replaced the earlier emphasis on the exchange of messages. These practices that were developed in Europe soon spread beyond the shores of Europe and became a key principle for the conduct of diplomacy in an ever expanding international system. The ever expanding international system had made it necessary that all existing diplomatic practices should assumed a more regularized and permanent structures that was deemed appropriate and necessary. In the ensuing centuries the exchange of permanent representatives between national governments grew to becoming a norm of diplomatic intercourse, as its structure and norm/processes became increasingly aligned with the states. Thus, the rules and norms of diplomacy were redefined to supporting the diplomatic system through the consolidation of the principle of immunity for diplomats and the development of protocol – such as the rules of precedent – established at the congress of Vienna and conducted in the 1961 Vienna convention of diplomatic relations. The growing importance attached to the practice of diplomacy is supported and reflected in the numerous treatise on the necessary qualities required of the ambassador. The requirements are majorly and notably found in the writings of Du Rosier, De Commynes and De Callieres. These writings became the minutes or bible of ambassadors that canonized the ways in which diplomacy was adapting/changing with times and realities of a changing international system (state sovereignty). France under Cardinal Richelieu was credited with the creation of the first recognizable foreign ministry in the 17th century. The 19th century witnessed the consolidation of the already established norms and processes in response to developments at

national and international level. It is in this century (19th) that diplomacy began acquiring the toga of aristocracy. By the turn of the century (20th), France had set the pace for letting diplomacy drop the cloak of aristocracy and embracing the middleclass that made up the professional class. Simply put, diplomacy was no longer the exclusive preserve of the aristocrats. Across Europe, foreign ministries and their diplomatic services developed systems of recruitment, selection by means of examination, promotion by merit, rather, than patronage and embryonic training programs. So too, focus on language training, diplomatic education was to expand in scope to include such aspect as commercial diplomacy as international interdependence developed. In summary, the many characteristic structures of the foreign ministry were to be established in this period. In the words of Lee and Hocking (2000); one of these

Was the distinction between geographical and functional organization principles the latter a recognition of growing complexity of international relations which cut across the division of the world into geographical regions? It would however, be incorrect to assume that foreign ministry was the focus of policy making.

The development of diplomacy at national level went hand in hand with those at the international level. This hand in hand growth of diplomacy at both international and national level was represented by the extension of the diplomatic network. By the dawn of the 20th century, all great powers of Europe had exchanged missions, thus making bilateral diplomatic relations to be conducted through permanent residential post as the hallmark of the international diplomatic system. The 20th century presented diplomacy with its own unique problems and challenges. The crisis of the Great War (1914 to 1918) was one of such challenges and the war is held in high esteem as it holds or occupies the pole position of significance as it led to the widespread condemnation of the old Europe based diplomacy which had not only failed to prevent war, but had many dire consequences. One dire consequence was the failing of diplomacy in this period due to the abandonment of established diplomatic channels of

communication by resident ambassadors in favour of more secretive diplomatic practice occasioned by ego, national interest and greed. Diplomacy quickly deteriorated into a closed system where behind the scenes bilateralism and propaganda led the appetite of brutal pursuit/desires of national interest of states in an atmosphere of mistrust and rivalry that diplomats had done much themselves to create. The did diplomacy of the 19th century that had created the very problems that drove the European powers into an all put war within the first two decade of the century had continue to hunt the global system. The Great War did not eliminate the problems/challenges that the "new diplomacy", rather these challenges were raked up in the 20th century. Within a few decade European diplomatic system was overhauled and projected to other continents like Africa, Asia and Latin America as the diplomatic system adapted to serve two open ended objectives (developments) - to accommodate the growing interdependence of states in the global system which had increased the demand for effective coordination of international cooperation in an ever growing number of policy areas, especially in trade and finance; the dawn of decolonization and independence which more than quadrupled the number of sovereign states in the international system by the 20th century. Batora (2008), Berridge (2005) and Cohen and Westbrook (2000) all posited that the great depression of the 1930s revealed profoundly the economic interdependence of states and after the end of the World War II, financial and trade integration intensified, thus, creating demand on opportunities for countries and diplomats to coordinate international policy in bilateral, regional, and multilateral relationships. Lee and Hocking (2000) extended the boundaries of thoughts of the above listed scholars by noting inter alia:

Indeed the development of Britton word institutions/system created a number of powerful international economic organizations such as the general agreement on tariffs and trade where diplomats would negotiate international trade policies and rules governing trade. Economic interdependence within regions led to a huge expansion in the number of

regional organizations in Europe, Asia, the Americas and eventually Africa and the Caribbean's. The vast increase in the number of international organizations from around 40 at the beginning of the 20th century to almost 400 at its end is one of the most significant developments in international relations during this period.

The summation of Lee and Hocking (2000) is that diplomacy has a history and a logic that transcends the state system which it often equated and secondly is then acknowledgement of diplomacy having the capacity of adapting to change. Diplomacy's capacity for change therefore ensured that in the early 21st century; wherein the complexities in agendas requiring inventive modes of global governance and participation, the processes associated with diplomacy remain an integral part of international diplomacy.

These organizations by all intent and purposes also presented opportunities and demands on diplomacy to work in new institutional and policy environments and to develop new diplomatic methods like the multilateral bargaining. Interdependence amongst states intensified as a result of globalization and regionalization processes through the 20th century, especially, in the closing decade as new advancement in communication and technologies expedite the linkage. The pattern of international relations would change drastically as transnational relations between states and non-state actors developed. These developments posed some fundamental question about the role and influence of the state and by extension diplomacy-relative to other actors in the system, such as transnational business and global civil society.

Worthy of noting is that these new patters in diplomacy whether viewed from the premise of cause and response went hand in hand with the development of the linkage of increasingly complex and technical policy issues. Issues of interdependence, globalization and regionalization raised practical matters crucial to the continued effective practice of diplomacy.

Contemporary Trends in Diplomacy and Africa's Predicament

The predicament of the African states in the purview of diplomacy stems from its precarious positioning the international politics and economics. Africa within the global economic structure is situated to be a producer of primary products, market and source of cheap labour. Politically, Africa had not been able to break the shackle hold of geo - politics and neo-colonialism. The interplay of the political and economic factors had helped railroad Africa into the "backwaters" of international politics and economics. For example, the Breton wood institutions that were a product or fallout of the Second World War settlement had left no one in doubt as its duties and purposes. Through the policies of these institutions, the African continent had been boxed into a debt trap that is almost in escape to the extent that Africa is now pleading for debt forgiveness. Part of the bias of Gaddafi's Libya was the effective management of his country's resource to the extent of Libya not owning any of this Bretton wood institution. Hudson (2000) did re-echo the fact that it is Africa and other nations of the "global south" that bears the fang of these institutions which by all intent and purposes is to make the nations of the "global south" tow work for the progress of states in the "global worth". The crux of the matter the nexus between the current status Africa in the current global system and the developed states of the "Global North" is diplomacy thus the question whether Africans understand what diplomacy entails or whether there was an African traditional diplomacy; if there was why Africa has failed in developing on it. The recent talk about Africa's traditional diplomacy in scholarship stemmed from the failure of African states being unable to navigate the treacherous waters of modern international diplomacy that requires all institution of states working optimally and effectively too. Most African states have fallen under the whims caprices of "strongmen" that in most instances had transformed from being a military man to civilian president without necessarily dropping the cloak of dictatorships. These strongmen had appropriated the

absolute knowledge of diplomacy and foreign policy to themselves thus their failure especially in phase of modern trends in contemporary diplomacy. Again Lee and Hockings (2000) had noted that:

Three broad trends in contemporary diplomacy are now evident" fragmentation as the conduct of diplomacy at the governmental level now involves government departments traditionally associated with purely domestic issues; concentration as the fashion of domestic and international politics has been accompanied by the expanding involvement of heads of government in international policy, and diffusion as professional diplomats have found themselves required to engage with a growing range of non-governmental stakeholders in complex policy networks.

From Lagos when fragmentation came to be associated with the development of an expanded "foreign policy community" with an expanding range of governmental agencies mainly a multiplicity of channels became available in the conduct of external relations that was challenging the role claimed by foreign ministries. One of the gains was the emphasizing on the need for policy coordination at the national level. The coordination must be premised on recognition that uncoordinated stance/policies in international negotiation stemming from various bureaucratic interests has potential cost in terms of attainment of policy goals. The awareness of the potential cost of lack of bureaucratic political coordination and politicization of international policy combined with a growing international role of government has resulted in a tendency to centralize the conduct of diplomacy. Here in Africa, the centralization of diplomacy is a representation of absolute knowledge and it allows for nepotism by the president while the thrust of the paper is the underpinnings of diplomacy in resolving Africa's international conflicts.

Resolving Africa's International Conflicts

Through the instrumentalities of global politics and economies Africa had been relegated to the backwaters of global politics. To this end Africa was said to be partakers of "history and not makers of history". Whether

the quote aptly described Africa's predicament depends on ones understanding of Africa's unique history. From the standpoint of the structural division of the global system into developed North and the developing south, Africa was incorporated into the current global system from a position of weakness (servant). This servant status of Africa meant situating her for colonization, as market for finished product, and supplier of human labour and economical (raw) materials. The situating of Africa as such translated into almost every nonsensical policies been foisted on her like the better pills of structural adjustment program me of the international monetary fund (IMF) that Nigeria was made to swallow "hook, line and sinker" in the 1990s without the understanding of multiplier effect on society. The effect of the IMF pills is still been felt by Nigerians till date. The import of referencing the Nigerian experiences is that most African states that had gone the route of Nigeria with the IMF thus their being programmed into the debt trap. Again, the debt trap had made poverty dynastic and hereditary in Africa. The crux of matter is that as tensions increases in most Africa states so too the conflict situations in the continent. As Fawole (1993) did rightly note, the helplessness of Africa is intricately woven to the desire of the leading status in dominating and controlling the current global system. Colonization subdued Africa through balkanization and "interiorizing" everything Africa. Through balkanization states were created at the whims and caprices of the colonial masters. Some of the states created were too weak to withstand the pressure of international politics and economics. At the heart of Africa's subjugation was her accepting European parameter to the conflict resolutions. Though question like what are Africa's parameters to conflict resolution had arisen. This question by all intent and purpose is indirectly wanting to know if there is anything uniquely African to conflict resolution. The thrust of the paper is not uniquely Africa's methodology to resolving Africa's international conflicts but on how Africa has failed within the framework of global methodology to conflict resolution. Though there are several

international conflicts currently raging on in Africa like those in the two Sudan, Congo, Libyan crisis etc. Notable international African conflicts that had gone for arbitration and resolution at the international court of justice include (1) Burkina Faso versus Mali (2) Nigeria vs Cameroon (3) Tunisia versus Nigeria (4) Chad versus Libya, (5) Libya versus USA, (6) France , Great Britain, just to mention a few. One salient fact that needs noting is that there is no African conflict that does not have the underpinnings of geo-politics but one international conflicts, though resolve but the resolution is like had to postponing the dooms day. The conflict in question is the Nigerian-Cameroon crisis/conflicts. The synopsis of the conflict(s) stems from both countries laying contentious claim to their maritime boundaries and land boundaries between both states. In contention was the delimitation and demarcation of the land boundary from Lake Chad to Bakassi. The relevant instruments for the determination of sovereignty in relation to land and maritime boundary between the two states were also in contest. These instruments in contention namely: Milner-Simon Declaration (1919), Thomson-Marchland Declaration (1929-1930), Henderson-Fleurian exchange notes (1931) and Anglo German agreement of 11th March and 12th April 1913 were part of the colonial heritage of both countries that had been at various stages under Germany France and Great Britain's colonial rule. Cameroon in its claim of sovereignty over the Lake Chad and Bakassi peninsula areas by relying majorly on these colonial instruments as a or the basis of its title and claim of ownership while Nigeria challenged validity of these instruments on the grounds that either that the contracting colonial parties lacked the power to make such treaties on behalf of the colonized states or that they improperly made. Furthermore, Nigeria's claim were based on historical consolidation of the title, peaceful possession of certain Lake Chad areas and Bakassi coupled with sovereignty Cameroon initiated the case against Nigeria in the Hauge on 29th March

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1994 and specifically in two but later consolidated applications, asked the court to adjudge and declare as follows (a) that sovereignty over the peninsula of Bakassi and disputed area of Lake Chad is Cameroonian, by virtue of international law and the peninsula is an integral part of the territory Cameroon (b) that the federal republic of Nigeria has violated and is violating the fundamental principles of respect for frontiers inherited from colonization (*uti possidentis juris*): and its recent legal commitments concerning the demarcation frontiers in Lake Chad. These two prayers of Cameroon the paper considers as having bearing on the analysis and thrust of the logic being advanced. It is pertinent to note that there are several other prayers, the listed two are considered most important. Nigeria lost on number one prayers as the ICT based its judgement on colonial treaty and tossing over board its own principles of historical attunities and the principle of reciprocity. All of the cases at the international court of justices concerning Africa does bring some lessons to bear and that includes (1) that within the structural division of the current global system where might is always right means Africa cannot get justice. In a system that is structured along the lines "we" versus "them" (2) As a continent situated to be sources of cheap primary produce and cheap labour means she cannot insulate herself and conflicts from outside interference. This had been the consistent history of Africa's international conflicts. The leading states in the global system take a special delight in Africa, all because of the need to protecting their economic interest (3) all Africa's international conflicts has the underpinnings of external interest and these interests determine the outcome of the judgements.

In conclusion, the failure of diplomacy in the resolution of Africa's international conflicts leaves much to be desired but the failure is laced with the instrumentalities of geo-politics, structural division of the global system, bias against Africa and failure of government and governance.

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