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EVOLUTION OF FORMATION OF THE MECHANISMS OF STATE REGULATION THROUGH DIPLOMATIC POLICY

Abstract. The article analyzes the evolutionary processes of the formation of mechanisms of the state regulation through diplomatic policy. It is justified that in the external relations between the countries one of the oldest and most important administrative institutions of the political activity is the institution of regulation of diplomatic relations. With the advent of the interstate relations of the ancient world, both peaceful and military, the political figures of ancient Egypt, India, Greece, Rome, China and other countries have developed directions for improving the public policy in the field of diplomatic activity. Considering the statehood of Ancient India, in the context of the development of mechanisms of the public administration in the field of diplomatic relations, it has been stated that the use in diplomatic policy of the diplomatic privileges and immunities is one of the most ancient and widely recognized ways of regulating this activity in the international law.

It has been proved that the problem of finding a balance in the direction of the patterns of development of mechanisms of the public administration in the field of

diplomatic activity was raised earlier in the ancient China than in the European countries. The art of diplomatic relations, as a leading tool for the implementation of a foreign policy strategy is an important element of the political culture of the community and an indispensable tool for the security of the state interests. It is ascertained by the fact that modern historians and government officials argue that there were certain patterns in Ancient Greece that consisted of a sufficiently developed and powerful system of regulation of the foreign policy and, in particular, of the diplomatic relations.

It is noted that the diplomatic activities of Ancient India deserve special attention by the Laws of Manu dating back to the 1st millennium BC. According to these regulations of the diplomatic relations, the avoidance of hostilities and the conclusion of peace depended on the art of negotiating of the diplomatic ambassadors. It is noted that the principle of inviolability of the representatives of diplomatic relations is also reflected in this country.

Keywords: mechanisms of the public administration, regulation of the diplomatic relations, Ancient India, foreign policy activity, Ramses-Hattushil treaty.

ЕВОЛЮЦІЯ СТАНОВЛЕННЯ МЕХАНІЗМІВ ДЕРЖАВНОГО РЕГУЛЮВАННЯ ДИПЛОМАТИЧНОЮ ПОЛІТИКОЮ

Анотація. Здійснено аналіз еволюційних процесів становлення механізмів державного регулювання дипломатичною політикою. Обґрунтовано, що у зовнішніх відносинах між країнами однією із найстаріших та найважливіших управлінських інституцій політичної діяльності є інституція регулювання дипломатичних відносин. З появою міждержавних зносин стародавнього світу як мирних, так і воєнних, політичні діячі античних Єгипту, Індії, Греції, Риму, Китаю та інших країн розвивали напрями вдосконалення державної політики у сфері дипломатичної діяльності. Розглядаючи державність Стародавньої Індії, у контексті розвитку механізмів публічного адміністрування галузю дипломатичних відносин зазначено, що використання у практиці міжнародної політики дипломатичних привілеїв та імунітетів є одним з найдавніших і загально визнаних способів регулювання цієї діяльності у міжнародному праві.

Доведено, що проблематика пошуку балансу в напрямі закономірностей розвитку механізмів публічного адміністрування у галузі дипломатичної діяльності порушувалась у Стародавньому Китаї раніше, ніж у європейських державах. Мистецтво дипломатичних відносин, як провідного інструментарію впровадження зовнішньополітичної стратегії, є важливим елементом політичної культури громади та невід'ємним інструментом безпеки державних інтересів. Констатовано, той факт, що сучасні історики та державні управлінці доводять, що у Давній Греції існували певні закономірності, які полягали в наявності доволі розвиненої і потужної системи регулювання зовнішньополітичної діяльності та, зокрема, дипломатичних відносин.

Зазначено, що в дипломатичній діяльності Стародавньої Індії заслуговують особливої уваги Закони Ману, які сягають 1 тисячоліття до нашої ери.

Згідно з цими нормативно-правовими актами галузі дипломатичних відносин, уникнення військових дій та укладення миру залежали від мистецтва ведення переговорів дипломатичних послів. Відзначено, що принцип недоторканості представників дипломатичних відносин віддзеркалений і в цій державі.

Ключові слова: механізми державного управління, регулювання дипломатичних відносин, Стародавня Індія, зовнішньополітична діяльність, договір Рамзеса-Хаттушиля.

ЭВОЛЮЦИЯ СТАНОВЛЕНИЯ МЕХАНИЗМОВ ГОСУДАРСТВЕННОГО РЕГУЛИРОВАНИЯ ДИПЛОМАТИЧЕСКОЙ ПОЛИТИКОЙ

Аннотация. Осуществлен анализ эволюционных процессов становления механизмов государственного регулирования дипломатической политикой. Обосновано, что во внешних отношениях между странами одним из старейших и важнейших управленческих институтов политической деятельности есть организация регулирования дипломатических отношений. С появлением межгосударственных отношений древнего мира как мирных, так и военных, политические деятели античных Египта, Индии, Греции, Рима, Китая и других стран развивали направления совершенствования государственной политики в сфере дипломатической деятельности. Рассматривая государственность Древней Индии, в контексте развития механизмов публичного администрирования отраслью дипломатических отношений указано, что использование в практике международной политики дипломатических привилегий и иммунитетов есть одним из древнейших и общепризнанных способов регулирования этой деятельности в международном праве.

Доказано, что проблематика поиска баланса в направлении закономерностей развития механизмов публичного администрирования в области дипломатической деятельности поднималась в Древнем Китае раньше, чем в европейских государствах. Искусство дипломатических отношений, как ведущего инструментария внедрения внешнеполитической стратегии, есть важным элементом политической культуры общества и неотъемлемым инструментом безопасности государственных интересов. Констатировано, тот факт, что современные историки и государственные управленцы доказывают, что в Древней Греции существовали определенные закономерности, которые заключались в наличии достаточно развитой и мощной системы регулирования внешнеполитической деятельности и, в частности, дипломатических отношений.

Отмечено, что в дипломатической деятельности Древней Индии заслуживают особого внимания Законы Ману, которые относятся к 1 тысячелетию до нашей эры. Согласно этим нормативно-правовым актам области дипломатических отношений, избежание военных действий и заключение мира зависели от искусства ведения переговоров дипломатических послов. Отмечено, что принцип неприкосновенности представителей дипломатических отношений отражен и в этом государстве.

Ключевые слова: механизмы государственного управления, регулирования дипломатических отношений, Древняя Индия, внешнеполитическая деятельность, договор Рамсеса-Хаттушиля.

Formulation of the problem. In the current conditions of large-scale globalization in various fields of activity and institutions of the states there are altered threats to the international, national security and public order. That is why, given the accumulated experience, the comprehensive development of mechanisms of the state regulation through diplomatic relations is put at the forefront of the world practice in the 21st century.

The countries as the main subjects of external relations, through diplomatic mechanisms of conducting their political activity, realize the most important aspirations and intentions in the direction of securing the state public-legal and public interests [1, p. 6]. The experience of introducing new mechanisms of the state regulation through diplomatic policy proves that the development of the processes of improvement of the national governance in any country should be researched and developed, considering it one of the strategic directions of increasing the effectiveness of the activities at the international, national and regional levels.

It is worth noting that the international relations, including diplomatic relations, are reaching a whole new level of development and acquiring new configurations all over the world. That is why the issue of the study of historical processes of formation and development of the mechanisms of state regulation in the sphere of diplomatic

relations, as well as paying attention to the research and elaboration of theoretical foundations, methods, configurations, mechanisms and instruments of interstate political activity administration between the states, as well as of particular importance is the regulation of the implementation of the activities of the institutions engaged in embassy and negotiation between the states, identification of ways of managing conflicts and the formation of alliances between them [2, p. 8].

Therefore, taking into account the tendencies of the development of this area, we should note that not only will a chronological study of the processes of formation and development of the mechanisms of state regulation in the field of diplomatic relations of the states and the relevant tools for their implementation be relevant, but also the study of transformations of the diplomatic relations and state policy of their administration as a historical and political phenomenon, analyzing the functions of the public administration of diplomatic relations, disclosing performance criteria of this relationship [3].

Analysis of the recent research and publications. A great deal of research by both domestic and foreign scientists and practitioners is devoted to the issues of diplomatic relations and the state policy of administering them. Thus, actual problems of creation of the diplomatic theory and practice

were investigated in their works by: V. I. Holovchenko [7], Ye. P. Honchar [1], A. L. Zinchenko [2], O. S. Konoptyanyk [4], T. M. Lyashchenko [6], O. P. Sahaidak [8], V. H. Tsivatiy [3], Yu. S. Shemshenko [5].

Purpose of the article. The purpose of the article is to determine the nature of the formation of the mechanisms of state regulation through diplomatic policy.

Outline of the main research material. Historical sources in the field of state regulation of the diplomatic relations include the fact that in the ancient world community leaders used diplomacy and diplomatic negotiation techniques to resolve conflicts and resolve war situations. In order to protect the mediators of the diplomatic relations, the principle of personal integrity was introduced during the negotiation process. This principle has become paramount in the diplomatic law today.

In view of the above, one can say that in the external relations between the countries one of the oldest and most important administrative institutions of the political activity is the institution of regulation of the diplomatic relations. With the advent of interstate relations of the ancient world, both peaceful and military, political figures of ancient Egypt, India, Greece, Rome, China and other countries have developed directions for improving the public policy in the field of diplomatic activity.

One of the first known, to date, in the theoretical and philosophical context of attempts to investigate the problems of the public administration of diplomatic relations was the signing of a treaty between the Pharaoh Ramses II and the

King of Hets Hattushil III in Ancient Egypt in 1296 BC. This ancient legal act of the diplomatic sector consisted of the following parts:

- preamble;
- articles;
- treaty performance guarantees — oaths of obligation and penalty for non-compliance.

The Ramses-Hattushilla Treaty was one of the criterion-salient characteristics of the state system of the ancient world. The meaning of the concept of “state” was equated with the personality of the leader as a representative of the supreme power. Therefore, it should be noted that, according to this concept, all diplomatic negotiations were conducted only on behalf of the ruler of the state, which meant the complete guarantee of security and inviolability of all subjects of the diplomatic relations: ambassadors, negotiators, messengers [4, p. 25].

We also want to point out that the active foreign policy of the Ancient East states caused a considerable source base to be delayed.

The evolution of the substantive content of the term “diplomatic relations”, which is part of the evolution of the study of state regulation in the context of international cooperation, is reflected in the normative-legal acts regarding the external expansion of Ancient Egypt.

One such document was the Tell-Amarn (Tell-el-Amarn) correspondence of 1887–1888 BC, which reflected the diplomatic activity of Amenhotep IV (Akhenaten) and his father Amenhotep III. A large number of clay tablets with letters to the rulers of Babylon, Palestine, Syria and other states were

kept in the departmental archive, as in one of the state institutions [5, p. 34].

Considering the statehood of Ancient India, in the context of the development of mechanisms of the public administration in the field of diplomatic relations, I would point out that the use of diplomatic privileges and immunities in the practice of international politics is one of the most ancient and generally recognized ways of regulating this activity in the international law.

The process of creating diplomatic theory and practice is inextricably linked to the gap in the history of the tribal society. Through the negotiation the process issues of military relations and a truce between the tribes were resolved. Some negotiation positions have become traditional and such customs have become the basis of the contractual diplomatic relations.

The diplomatic activities of Ancient India deserve special attention by the Laws of Manu dating back to the 1st millennium BC. According to these regulations of the diplomatic relations, the avoidance of hostilities and the conclusion of peace depended on the art of negotiating of the diplomatic ambassadors. It should be noted that the principle of inviolability of the representatives of diplomatic relations is also reflected in this country [6].

It can be argued that the problem of finding a balance in the direction of the patterns of development of the public administration mechanisms in the field of diplomatic activity was raised earlier in ancient China than in the European countries. The art of diplomatic relations, as a leading tool for the implementation of a foreign policy strategy, is an important element of the political

culture of the community and an indispensable tool for the security of the state interests [7, p. 2].

The systematic ideas of the philosophers of Ancient China played an important role in the scientific and political discussions and were devoted to the search for the optimal development of the mechanism of public administration of the diplomatic relations. The strategic objectives of the Chinese traditional diplomacy were organically linked to the methods of its tactical implementation, based on the basic principle: "To be friends with distant barbarians against loved ones", developed in the 5th–3rd century BC [7, p. 7–11].

I must state that modern historians and government officials argue that there were certain patterns in Ancient Greece that consisted of a sufficiently developed and powerful system of regulation of the foreign policy and, in particular, of the diplomatic relations.

It is important to note that hospitality was a form of diplomatic relations in Greece. Disputes arising between the communities were resolved with the help of specially authorized persons (ambassadors). The process of electing ambassadors was allowed only for the wealthy. An important aspect of electing ambassadors was compliance with the following requirements: they must be at least 50 years old (hence the term "elder"), make a positive impression on the listeners, have proper oratorical abilities. The ambassadors were given letters of recommendation that determined the goals and objectives of the embassy, and also were given appropriate instructions (two wax tablets – diploma). One of the main responsibilities of the Greek ambassadors was to

form an alliance with other states and to sign treaties that were accompanied by certain formalities [8].

Conclusions. The analysis of the state-legal nature of the formation of mechanisms of the state regulation through diplomatic policy testifies to their complexity and contradictory conditions of formation. It has been proved that the problem of finding a balance in the direction of the patterns of development of mechanisms of the public administration in the field of diplomatic activity was raised earlier in ancient China than in the European countries.

It is determined that the Ramses-Hattushil Treaty was one of the indicative in the criteria sense characteristics of the state structure of the countries of the ancient world. The meaning of the concept of “state” was equated with the personality of the leader as a representative of the supreme power. According to this concept, all diplomatic negotiations were carried out only on behalf of the ruler of the state, which meant the full guarantee of security and inviolability of all subjects of the diplomatic relations: ambassadors, negotiators, messengers.

A promising direction for further research on this issue is the development of understanding of the current state of mechanisms of implementation of the state policy in the field of diplomatic relations, that is based on the experience of developed countries of the world.

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