



Digital Diplomacy: Global Trends, Opportunities and Challenges

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Abstract

Since the outbreak of COVID-19, the role of digital tools in helping facilitate business, education, and governance has become increasingly relevant. In the context of international relations, the pandemic has shed light on the term '*digital diplomacy*', the use of digital tools to facilitate dialogue relevant to foreign affairs. As new technologies relating to artificial intelligence (AI) and internet communication technologies (ICTs) pervade even the well-established area of interstate communication, it is important to assess the overall impact that such technologies have on the field of international relations. How have countries made use of technological developments for diplomacy? Can AI and ICTs help maintain security? What are the legal implications of emerging practices of eDiplomacy? These are just a handful of questions that legal and international relations scholars face in the coming years.

AI and ICTs present unprecedented opportunities for official, and unofficial actors to facilitate dialogue relevant to foreign affairs. Therefore, it is imperative that such actors become aware of and appreciate the opportunities for multilateralism and security in the coming years. To this end, this publication contends that the adoption of eDiplomacy presents a number of benefits and challenges. Moreover, the seemingly inevitable adoption of AI and ICTs requires legal and international relations scholars to become aware of such technologies' overall impact on the field.

Keywords: Digital diplomacy, eDiplomacy, Artificial intelligence, Security, European Union, United States, People's Republic of China, Climate change, COVID-19, International Law.



Table of Contents

| | |
|--|----|
| List of Abbreviations | 5 |
| 1. Introduction | 6 |
| 1.1. Research Focus..... | 8 |
| 1.2. Outline | 9 |
| 2. Digital Diplomacy Around the World | 10 |
| 2.1. The European Union | 10 |
| 2.1.1. Digital Interaction Between EU Member States..... | 11 |
| 2.1.2. Digital Diplomacy of the EU and its institutions | 13 |
| 2.2. The United States of America..... | 14 |
| 2.3. The People’s Republic of China | 17 |
| 2.4. General Trends..... | 20 |
| 3. Digital Diplomacy as a Tool for Crisis Response | 21 |
| 3.1. Climate Change | 22 |
| 3.2. COVID-19 Pandemic | 24 |
| 4. Digital Diplomacy and International Law | 26 |
| 4.1. Negotiation Technologies | 26 |
| 4.2. Online Representation of Diplomats..... | 28 |
| 4.3. Remote Working | 30 |
| 5. Digital Diplomacy Impact Assessment | 32 |
| 5.1. Digital Diplomacy’s Impact on International Relations | 32 |
| 5.2. Evaluating a Wider Adoption of Digital Diplomacy | 34 |
| 5.2.1. Benefits of Digital Diplomacy | 34 |
| 5.2.2. Challenges of Digital Diplomacy | 35 |
| 6. Conclusion..... | 38 |
| 7. Bibliography | 40 |
| 7.1. Legislation | 40 |
| 7.1.1 International..... | 40 |
| 7.1.2. European Union..... | 40 |
| 7.2. Books..... | 40 |
| 7.3. Articles and Reports | 40 |
| 7.4. Websites and Blogs | 42 |
| 7.5. Social Media Posts..... | 45 |
| 7.6. Videos..... | 46 |
| 7.8. List of Figures | 46 |



List of Abbreviations

| Abbreviation | Description |
|--------------|--|
| AI | Artificial Intelligence |
| CTA | Cognitive Trade Advisor |
| EU | European Union |
| <i>GDPR</i> | <i>General Data Protection Regulation</i> |
| ICC | International Chamber of Commerce |
| ICT | Internet Communication Technology |
| IO | International Organisation |
| MFA | Ministry of Foreign Affairs |
| PRC | Peoples Republic of China |
| UNCS | United Nations Climate Summit |
| USA | United States of America |
| <i>VCDR</i> | <i>Vienna Convention on Diplomatic RelationsPR</i> |



1. Introduction

In recent decades, ICTs like Twitter and Facebook have enabled state officials to share their opinions and negotiate on a much larger stage. This development has attached a great significance to the online rhetoric of such actors. Similar to previous technologies like the steam engine and transistor radio, which enabled governments to more easily communicate between one another and the general public, ICTs present novel opportunities within all Tracks of diplomacy.¹ In the past years, such changes in the ways that actors engage in dialogue on foreign affairs have been given the title of *'digital diplomacy'*, leading to the emergence of a new field of academia focused on understanding the impact of such technologies on the future of diplomacy.

According to Oxford University's Associate Professor of Diplomatic Studies Corneliu Bjola, *'little is known [...] from an analytical perspective, how digital diplomacy works, with what degree of success and wherein lay its limitations'*.² Therefore, this publication conceptualises digital diplomacy through the commonly understood *'levels of diplomacy'*.³ First, digital diplomacy can be observed within Track 1, whereby intergovernmental communication and diplomatic negotiation is carried out through the adoption of new technologies. For instance, diplomats' use of social media for agenda-setting, expanding their reach and driving the political conversation.⁴ According to Bjola and Lu Jiang, social media can help diplomats more effectively communicate and gain respect from foreign actors.⁵ Second, digital diplomacy exists within Track 2, perhaps the most important level of diplomacy in the digital age given the empowerment of unofficial actors through social media. It is also important to mention digital diplomacy within Track 1.5, the level of diplomacy which refers to the communication between official and non-official state actors through digital means.⁶ For example, podcasts are becoming an increasingly popular medium through which the general public consumes information. In the lead-up to the 2020 Democratic Party primary elections in the United States of America (hereinafter USA & America), candidate Bernie Sanders appeared on the popular Joe Rogan

¹ Rashica V, 'The benefits and risks of digital diplomacy' *SEEU Review* (2018); Civildaily, 'Different levels of diplomacy | Track 1, Track 2, Track 3' *Civildaily* (February 27 2016) <<https://www.civildaily.com/different-levels-of-diplomacy-Track-1-Track-2-Track-3/#:~:text=Track%201%20Diplomacy%3A,and%20release%20joint%20statements%20etc>>.

² Bjola C, 'Introduction: Making sense of digital diplomacy' in *'Digital diplomacy theory and practice'* *Routledge* (2015).

³ Civildaily (n 1).

⁴ Bjola C and Jiang L, 'Social Media and public diplomacy: A comparative analysis of the digital diplomatic strategies of the EU, US and Japan In China' in *'Digital diplomacy theory and practice'* *Routledge* (2015).

⁵ *ibid.*

⁶ Civildaily (n 1).



Experience Podcast.⁷ Their hour-long conversation received over 13 million views on YouTube alone and undoubtedly contributed to Sanders' popularity.

In recent years, however, the traditional levels of diplomacy have become misrepresentative of the digital space, making it difficult to ascertain the source of political influence. Primarily due to the increased knowledge base brought to society through social media, *'engagement now increasingly takes place from people to government and from people to people'*.⁸ No longer is it the case that diplomats and well-known academics project their objectives to the general public. Instead, new technologies have enabled civil society to engage in discussions with diplomats and amongst themselves to hold official actors accountable in their foreign affairs. Digital diplomacy, therefore, has a strong presence within Track 3, a level of diplomacy often referred to as *'people-to-people diplomacy'*.⁹ Within Track 3, digital diplomacy exists in the form of social movements like Fridays for Future, #BlackLivesMatter and the Arab Spring, which gain momentum through digital means.

A salient definition of digital diplomacy was put forward by Dev Lewis, who stated that *'digital diplomacy is the use of digital tools of communication (social media) by diplomats to communicate with each other and with the general public'*.¹⁰ Building upon Lewis's definition and acknowledging digital diplomacy as a form of multitrack diplomacy, this paper defines digital diplomacy as *the use of ICTs by official and non-official actors and members of civil society to facilitate discourse relevant to foreign affairs*. Understanding digital diplomacy in these terms maintains consideration of the traditional Track 1, 1.5 and 2 levels of diplomacy while acknowledging the empowerment of civil society, which has led to growth within Track 3.

| Level | Actors involved | Examples of eDiplomacy |
|-----------|---|--|
| Track 1 | Official (diplomats, ambassadors, world leaders) | UN ambassadors' use of video conferencing and AI-based negotiation technologies. |
| Track 1.5 | Official and unofficial (academics, journalists, interest groups) | <i>Renegades</i> podcast and news interviews with diplomats and world leaders. |
| Track 2 | Unofficial | Unofficial actors' social media channels. |
| Track 3 | Civil Society (individuals, civic organisations) | Digital social movements like Fridays for Future, #BLM and Arab Spring. |

Table 1: Levels of Digital Diplomacy.¹¹

⁷ Joseph Rogan, 'Joe Rogan Experience #1330 – Bernie Sanders' *The Joe Rogan Experience* (August 7 2019) <<https://www.youtube.com/watch?v=2O-iLk1G ng>>.

⁸ Ross A, 'Digital diplomacy and US foreign policy' *The Hague Journal of Diplomacy* (July 11 2011).

⁹ Civildaily (n 1).

¹⁰ Lewis D, 'Digital diplomacy' *Gateway House* (December 19 2014) <<https://www.gatewayhouse.in/digital-diplomacy-2/>>.

¹¹ Civildaily (n 1).



As governments and International Organisations (IOs) increasingly take advantage of new technologies to realise their foreign policy aims, and unofficial actors make use of increased interconnectedness to hold them accountable, there is a need for research that explores such changes. The rapid pace at which governments adopt new technologies also requires frequent academic contributions. While previous research on digital diplomacy surrounding the proliferation of social media and the adoption of technologies such as instant messaging and live translators remains important, the pace of development has left a large portion of previous research out of date. In particular, there is a need for research surrounding the role of AI, as many predict AI will '*leverage the existing tools of diplomacy*'.¹² It means that through AI and machine learning, diplomats will become more strategic and well informed of both the issue at hand and how to engage with foreign diplomats. Recent developments in AI and social media have enabled governments and diplomats to engage with one another and with the general public in new and more advanced ways, which will fundamentally change modern diplomacy. In order to prepare for such changes, research that draws from the practices in numerous countries to evaluate the impact of new technologies and outline the applicability of the current legal framework is of utmost relevance.

1.1. Research Focus

In light of the unknown territory brought to the diplomatic arena through AI and social media, the overarching purpose of this research is to evaluate the desirability of adopting new technologies for diplomacy and to highlighting the opportunities and challenges which come with it. To accomplish this objective, the primary research question asks: *Have technological developments relating to digital diplomacy impacted the field of international relations and diplomacy? If so, what are the benefits and challenges of a wider acceptance of digital diplomacy?* Collecting insights through the following sub-questions, this paper aims to evaluate the desirability of adopting new technologies in the diplomatic field to answer the primary research question.

The first sub-question asks: *What are the methods through which actors in the European Union (EU), USA and the People's Republic of China (hereinafter PRC & China) have (or have not) implemented digital diplomacy?* Through an analysis of eDiplomacy in the relevant jurisdictions, this section highlights recent examples of eDiplomacy to explore how and why it has been practiced around the world. The second sub-question asks: *Do emerging technologies of digital diplomacy, such as but not limited to ICTs and AI, allow for faster response to international security threats?* Focusing on climate change and the ongoing COVID-19 pandemic, this section considers whether eDiplomacy can

¹² Scott B, Heumann S and Lorenz P, 'Artificial intelligence and foreign policy' *Stiftung Neue Verantwortung* (January 2018).



meaningfully help maintain security. Finally, the third sub-question asks: *Do emerging state practices involving digital diplomacy fall within the scope of public international law?* This section explores the extent to which new technologies put to use in the diplomatic arena are effectively regulated under public international law.

Through the guiding nature of the primary research question, this paper seeks to contribute to the current literature on the application of eDiplomacy, its role in crisis response and how the current public international law framework accounts for emerging practices. As technologies develop, it becomes crucial to evaluate the relationship between state practice and the laws by which it is governed. In the diplomatic field, this has become particularly important, as powerful tools like social media and AI pose large-scale changes in the way that states, world leaders, influential individuals and members of civil society interact with one another.

1.2. Outline

To answer the research questions and achieve the overarching purpose of evaluating the desirability of adopting digital diplomacy and its socio-legal implications, the following chapters are structured as follows. Chapter 2 addresses the first sub-question through a summary of digital diplomacy's application in the EU, the USA and China. This chapter aims to formulate an understanding of how various jurisdictions have chosen to adopt digital diplomacy. Chapter 3 addresses the second sub-question through an analysis of how digital diplomacy has been used in responding to the international security threats of climate change and COVID-19. Chapter 4 looks specifically at the sphere of public international law and aims to answer the third sub-question pertaining to the applicability of the current public international law framework. Finally, chapter 5 discusses the information provided in the previous three chapters to answer the main research question and assess the overall impact of digital diplomacy on the field of international relations.



2. Digital Diplomacy Around the World

The purpose of this chapter is to serve an explanatory function and contextualise digital diplomacy's implementation around the world. To achieve this purpose, this section will answer the first sub-question: *What are the methods through which actors in the EU, US, and China have (or have not) implemented digital diplomacy?* While modern digital diplomacy is largely multitrack, the relevant level of diplomacy for each example will be specified when relevant. Finally, a sub-section discussing general trends in the three jurisdictions helps to understand similarities in each jurisdiction's adoption of eDiplomacy.

2.1. The European Union

Unlike individual states, the EU differs as IOs themselves are not capable of conducting diplomacy in the traditional sense of state representatives maintaining their country's international relations. Instead, IOs such as the EU, North Atlantic Treaty Organisation and African Union help their Member States to facilitate diplomacy and realise their foreign policy objectives by providing more direct avenues for intergovernmental communication. In the case of the EU, formal institutions are aimed at maintaining the core values of *'inclusion, tolerance, justice, solidarity and non-discrimination'*.¹³ While debated in recent years, The EU has often been described as a *sui generis* political system, implying a separation between the EU and other IOs.¹⁴ The EU closely resembles a state of its own which is capable of diplomatic relations, going as far as declaring its own foreign and security policy. The policy aims to *'preserve peace, strengthen international security, promote international cooperation, develop and consolidate democracy, the rule of law and respect for human rights & fundamental freedoms'*.¹⁵ While the EU itself is not capable of engaging in diplomacy in its traditional understanding, it is relevant to consider the EU's role in facilitating eDiplomacy between its Member States and the organisation's own use of digital tools, particularly within Track 1 and 1.5. This sub-section looks at digital diplomacy between the EU Member States before discussing the organisation's own use of digital tools.

¹³ 'The EU in brief', *European Union* (November 24 2020) <https://europa.eu/european-union/about-eu/eu-in-brief_en>.

¹⁴ Metz J, 'Expert groups in the European Union: A *sui generis* phenomenon?' *Policy and Society* (September 2013).

¹⁵ 'Foreign and security policy' *European Union* (August 6 2019) <https://europa.eu/european-union/topics/foreign-security-policy_en>.



2.1.1. Digital Interaction Between EU Member States

Given the novel communicative capabilities offered by ICTs, it is important to study how the EU Member States have utilised such technologies for the purpose of fostering effective intergovernmental communication. Within Track 1, emerging technologies like direct messaging and video calls have opened up more direct pathways for communication between European leaders and state representatives. No longer is it the case that in-person meetings are the only way for interstate cooperation to take place. In light of such technologies, *'communication increasingly takes place directly between capitals'*, eliminating the need for embassies and formal institutions to direct all communication between the Member States.¹⁶ It is especially the case in circumstances that are highly uncertain and time-sensitive where digital diplomacy provides opportunities for efficient communication.

In 2020, researchers from the University of Amsterdam and Chalmers University of Technology conducted one of the most comprehensive studies of national parliamentarian's Twitter activity, developing a database which offers the potential to understand how lawmakers in 18 EU Member States interact with one another online.¹⁷ Looking specifically at Twitter mentions between national parliamentarians, the researchers concluded that while Twitter enables transnational dialogue, the national parliamentarians used Twitter largely within clearly defined national clusters.¹⁸ The report indicated that 16,955 Twitter mentions were directed at parliamentarians in another Member State, but this number accounted for only 1.9% of the parliamentarian's Twitter communication.¹⁹ The data presented in the study is important as it suggests Twitter, one of the most popular social media platforms in the Europe with around 6.75% market share,²⁰ is not being used to its full communicative potential.

Table 2 displays data released with the paper and shows the percentage of national parliamentarians on Twitter and the percentage of which who engaged in eDiplomacy, making at least one external mention.²¹ Data was collected within the time frame of one legislative period. However, in the case of Denmark, Finland, Germany, Italy, Latvia and Sweden, the data presented was collected over two legislative periods, and therefore may contain a more accurate representation of national

¹⁶ Voigt K, 'Perpetual change: Remarks on diplomacy today in the European Union' in 'New realities in foreign affairs: Diplomacy in the 21st century' *German Institute for International and Security Affairs* (November 2018).

¹⁷ Vliet L, Törnberg P and Uitermark J, 'The Twitter parliamentarian database: Analyzing Twitter Politics across 26 countries' *PLOS ONE* (September 16 2020).

¹⁸ *ibid.*

¹⁹ *ibid.*

²⁰ Statcounter, 'Social media stats in Europe – December 2020' *Statcounter* (December 2020)
<<https://gs.statcounter.com/social-media-stats/all/europe>>.

²¹ Vliet L, Törnberg P and Uitermark J (n 17).



parliamentarians' eDiplomacy behaviour in the long term. The report revealed that parliamentarians in some Member States engaged in transnational debates more than others. National parliamentarians in Germany, the United Kingdom and the Netherlands were shown to hold the most central position in the European transnational debate while those Malta and Latvia engaged the least.²² Although there appears to be a significantly larger online debate taking place within the individual Member States, the report concluded that States with more external ties occupy a larger portion of the transnational debate than those with less, and ultimately engage more in eDiplomacy.²³ In essence, national parliamentarians in some countries operate in national clusters which are more clearly defined than others. Not only does this report indicate that national parliamentarians are not using Twitter to its full potential, but it also indicates that parliamentarians in certain countries have developed a greater reliance on social media and eDiplomacy in their official capacity.

| Country | MPs on Twitter (%) | MPs who engaged in eDiplomacy (%) |
|----------------|--------------------|-----------------------------------|
| Austria | 47 | 37 |
| Belgium | 87 | 32 |
| Denmark | 86 | 40 |
| Finland | 87.5 | 32 |
| France | 90 | 53 |
| Germany | 63 | 38 |
| Greece | 37 | 27 |
| Ireland | 95 | 68 |
| Italy | 76.5 | 13 |
| Latvia | 49 | 34 |
| Malta | 87 | 53 |
| Netherlands | 97 | 53 |
| Norway | 68 | 26 |
| Poland | 73 | 28 |
| Spain | 67 | 58 |
| Sweden | 56.5 | 35 |
| United Kingdom | 91 | 54 |

Table 2: Europe's national parliamentarians on Twitter and the percentage of which that engaged in eDiplomacy.²⁴

²² Vliet L, Törnberg P and Uitermark J (n 17).

²³ *ibid.*

²⁴ *ibid.*



2.1.2. Digital Diplomacy of the EU and its institutions

Unlike traditional methods like press conferences and news briefings, social media is an incredibly effective avenue for the EU to reach the public as it reduces media bias and allows the IO to ‘create its own discourse’.²⁵ The recent growth of anti-integrationist parties in the Member States and the recent exodus of the United Kingdom from the EU contributed to the EU’s crisis of legitimacy.²⁶ Hence, the EU aims to legitimise itself in the eyes of European citizens and promote an integrationist agenda through engaging in eDiplomacy within Track 1.5.²⁷ Given the EU’s *sui generis* character, the organisation has received criticism for being unclear in its messaging and challenging to understand.²⁸ Nevertheless, Thomas Risse explained that EU’s media visibility has grown in the past decades and led to an increased awareness of EU issues throughout the Member States.²⁹ Using social media to more directly engage with citizens, the EU uses eDiplomacy within Track 1.5 to legitimise the union.

The EU has established social media accounts on many of the major platforms like Twitter, Facebook and Instagram for both the individual EU institutions and prominent EU leaders.³⁰ For example, the EU Commission has a separate social media account for Ursula von der Leyen, the current Commission President. Often, posts made by prominent members are re-shared by the institutions and vice versa, leading to increased exposure. Primarily, these accounts promote the EU’s policies and services, inform followers about the EU’s position on timely issues and engender excitement surrounding the EU’s initiatives. For instance, the Commission’s Twitter account (@EU_Commission) recently posted a promotional video for the EU Publications Office. The Commission tweeted: ‘They say that explaining the EU is too complicated... Here is a fun explainer about the @EUpublications office and how it brings info from all over the EU close to you’.³¹ The video shared is a comedic advertisement which shows children from various Member States in an office setting commenting on the trustworthiness of the Publications Office’s website.³²

²⁵ Çömlekçi F and Güney S, ‘Social media strategies of the European Union bodies: A comparison with Turkey’s experience’ *Gaziantep University Journal of Social Sciences* (2016).

²⁶ Hobolt SB, ‘Chapter 11: The crisis of legitimacy of European institutions’ in ‘Europe’s crises’ *Polity* (November 2017).

²⁷ *Civildaily* (n 1).

²⁸ Bjola C and Pamment J, ‘Countering online propaganda and extremism: The dark side of digital diplomacy’ *Routledge* (2019).

²⁹ Risse T, ‘A community of Europeans? Transnational identity and public spheres’ *Cornell University Press* (2010).

³⁰ Çömlekçi F and Güney S (n 25).

³¹ European Commission @EU_Commission (2020), [online], Tweet posted August 10 5:01pm, <https://twitter.com/EU_Commission/status/1292838516183924736>.

³² Publications Office of the European Union, ‘What’s in the EU Publications Office for you?’ <https://www.youtube.com/watch?v=eztclpEV9RE&ab_channel=PublicationsOfficeoftheEuropeanUnion>.



According to Fatih Çömlekçi and Serhat Güney, 'Digital media is so important for the European Union because it helps the reinforcement process of European identity'.³³ Aiming to legitimise the IO and build a European identity, the EU has engaged in Track 1.5 eDiplomacy and utilised its social media platforms to bring about stronger identification with the EU. However, while the EU's digital diplomacy aims to legitimise the EU among EU citizens and form a European identity, it is essential to remember that the EU's initiatives also gear towards foreign publics.

2.2. The United States of America

The USA is perhaps the country that relies most heavily on digital diplomacy. In fact, the first usages of the term 'digital diplomacy' can be traced back to an early Obama-era initiative known as '21st-century statecraft'.³⁴ This initiative was launched in 2009 by then Secretary of State Hillary Clinton and aimed to broaden American public diplomacy into the digital sphere, taking advantage of social media to advance American interests.³⁵ Most importantly, 21st-century statecraft is not an isolated initiative, but instead meant to represent a broader commitment to using digital tools for governance and foreign affairs. According to the Department of State, 21st-century statecraft encompasses not just America's approach to diplomacy, but also development, international internet policy and current governance structures.³⁶ One of the first success stories of 21st-century statecraft was after the 2010 earthquake in Port Au Prince, Haiti, when the Department of State developed a programme which allowed Americans to send donations to relief efforts through SMS.³⁷ In a span of two weeks, donations sent through SMS helped in raising over \$35 million, through a newfound convenience.³⁸

In 2021, America has come a long way from SMS donations, and have now entered the era of Twitter politics where nothing goes unseen. Since his 2016 Presidential campaign began to the time of his Twitter ban in January 2021, former President Donald Trump posted over 34,000 tweets, which

³³ Çömlekçi F and Güney S (n 25).

³⁴ U.S. Department of State, '21st century statecraft'

<https://www.youtube.com/watch?v=x6PFPCter3c&ab_channel=U.S.DepartmentofState>.

³⁵ *ibid.*

³⁶ '21st century statecraft' U.S. Department of State (2021) <<https://2009-2017.state.gov/statecraft/overview/index.htm>>.

³⁷ Thom Woodroffe, Interview with Alec Ross, 'Talking 21st century statecraft: Thom Woodroffe speaks with one of US Secretary Of State Hillary Clinton's top advisers about e-diplomacy in the Asia-Pacific.' *The Diplomat* (2011)

<<https://thediplomat.com/2011/04/talking-21st-century-statecraft/>>.

³⁸ *ibid.*



Image 1: Tweet posted July 1, 2017.³⁹

former White House press secretary Sean Spicer declared as official statements.⁴⁰ From a legal perspective, the question of whether the online statements the American president, or any world leader for that matter, constitute legally binding declarations is of utmost relevance. In many respects, Trump's use of Twitter throughout his presidency has

put the USA on a path of addressing many of such legal challenges. For example, in a letter addressed to President Trump, the Knight First Amendment Institute at Columbia University argued that individuals cannot be blocked from his Twitter page (@realDonaldTrump) on the basis that it amounts to an unconstitutional violation of their freedom of speech and access to information.⁴¹ From the perspective of digital diplomacy, former President Donald Trump's use of Twitter is a case study into the future. His persistent use of the platform has undoubtedly impacted long-standing norms of foreign policy and defined how world leaders engage with one another in the 21st-century. More importantly, it has highlighted a number of legal questions pertaining to the seriousness of Twitter politics which need to be addressed in the coming years.

Donald Trump's use of social media, while bringing the so-called practice of *'twiplomacy'* to the mainstream, is representative of a fundamental shift in America's approach to eDiplomacy within Track 1.5.⁴² In 2015, Ilan Manor and Elad Segev discussed America's portrayal of itself on social media, stating that *'America brands itself as an economically responsible superpower, guided by moral values and committed to diplomacy and building meaningful relationship with the Arab and Muslim world'*.⁴³ At the time of publication, Manor and Segev identified such themes as running constant throughout the State Department's social media presence, and depicted a cohesive approach to nation building online.⁴⁴ However, in the years proceeding their publication, it has become necessary to question

³⁹ Donald Trump @realDonaldTrump (2017), [online], Tweet posted July 1 6:41pm, <<https://www.thetrumparchive.com/>>.

⁴⁰ Hoffman A, "This Tweet didn't age well." 22 Tweets that came back to haunt President Trump' *Time* (April 14 2017) <<https://time.com/4724135/donald-trump-tweets-retweets-didnt-age-well/>>; Landers E, 'White House: Trump's tweets are 'official statements' *CNN* (June 6 2017) <<https://edition.cnn.com/2017/06/06/politics/trump-tweets-official-statements/index.html>>.

⁴¹ 'Letter from Jameel Jaffer, Katie Fallow and Alex Abdo to President Donald J. Trump' *Knight First Amendment Institute at Columbia University* (June 6 2017) <<https://www.documentcloud.org/documents/3859560-White-House-Twitter-Letter-Knight-First-Amendment.html>>; Savage C, 'Twitter users blocked by Trump seek reprieve, citing first amendment' *New York Times* (June 6 2017) <<https://www.nytimes.com/2017/06/06/us/politics/trump-twitter-first-amendment.html>>.

⁴² Stolee G and Caton S, 'Twitter, Trump, and the base: A shift to a new form of Presidential talk?' *Signs and Society* (2018).

⁴³ Manor I and Segev E, 'America's selfie: How the US portrays itself on its social media accounts' in 'Digital diplomacy theory and practice' *Routledge* (2015).

⁴⁴ *ibid.*



whether a cohesive approach remains, or if the USA is experiencing a consensus vacuum in regards to its digital public diplomacy. Since 2016, the Trump administrations so-called '*deconstruction of the administrative state*' is perhaps the most significant driver of the State Departments less coordinate use of eDiplomacy.⁴⁵ According to Burns and Thomas-Greenfield, the State Department has been sidelined in favour of non-traditional forms of governance and been made the subject of critique by those in power.⁴⁶ It is clear that the Trump Administration's criticism of the so-called '*deep state*' has stained the legitimacy of the State Department in the eyes of both American and foreign publics.⁴⁷ This has made a return to the cohesive use of eDiplomacy for the purpose of nation building difficult and led to a more erratic use of digital tools within Track 1.5 digital diplomacy.

Manor and Segev importantly identify the ultimate goal of nation building to be the '*establishment of two-way communication between foreign ministries*'.⁴⁸ In a comparative study of foreign ministries' public engagement on Twitter and Facebook in 2014, the State Department was found to have a lack of engagement with their audience.⁴⁹ This was said to demonstrate either an adversity to two-way communication or a lack of appreciation for the importance of public engagement.⁵⁰ From the perspective of digital diplomacy, it seems as though America has yet to leverage the social media following of the State Department for the sake of facilitating eDiplomacy within Track 1.5. Given the State Departments current crisis of legitimacy, ICTs offer a unique opportunity for the State Department to reinstate a commitment to multilateralism and the image of America as a member of the global community into its public diplomacy efforts. It is still unclear if and in what way the Biden Administration will use digital tools to establish effective communication. However, what is certain is that the new Administration has come to power in a time where social and media and other forms of technology offer an opportunity for institutions such as the State Department to facilitate a coordinated approach to nation building. Burns and Thomas-Greenfield believe that this is necessary, stating that '*technology can no longer be seen as a luxury for good diplomacy*'.⁵¹ Technological advancements carry the potential for leaders to take control of American foreign policy and re-establish trust in institutions, reaffirm commitments to IOs and improve relations with foreign allies.⁵²

⁴⁵ Burns W and Thomas-Greenfield, 'The transformation of diplomacy: How to save the state department' Foreign Affairs (November/December 2020) <<https://www.foreignaffairs.com/articles/united-states/2020-09-23/diplomacy-transformation>>.

⁴⁶ *ibid.*

⁴⁷ *ibid.*

⁴⁸ Manor I and Segev E (n 43).

⁴⁹ Kampf R, Manor I and Segev E, 'Digital diplomacy 2.0? A cross-national comparison of public engagement in Facebook and Twitter' *The Hague Journal of Diplomacy* (2015).

⁵⁰ *ibid.*

⁵¹ Burns W and Thomas-Greenfield (n 45).

⁵² Burns W and Thomas-Greenfield (n 45).



2.3. The People's Republic of China

In comparison to the other jurisdictions studied, the PRC began engaging in eDiplomacy at a much later stage. For example, the Twitter account of the Chinese Embassy in the USA (@ChineseEmbinUS) started in June 2019 while the American Embassy in China (@USA_China_Talk) was activated nearly ten years before, in November 2009. The account run by the American embassy is also significantly more popular, and as of January 18, 2021 had over 1 million followers, while the Chinese embassy had only just over 79,000. In 2014, Chenshou Gong attributed the PRC's reluctance to engage in eDiplomacy, especially on western social media, to five problems, *'the absence of suitable organisational culture, the liability of security clearance, the incapacity to be personable, the potential backfire and the burden of an enormous fan base'*.⁵³ Perhaps the most significant of these problems is the possibility that the initiatives will backfire and the difficulties associated with new social media's bilateral nature will emerge. In a recent poll released from the Pew Research Center, 66 per cent of Americans cited unfavourable views of China, and 62 per cent considered China's growing power and influence to be a significant threat.⁵⁴ Given the ability for users to engage publicly with posts made on social media, the PRC may experience higher levels of criticism and distrust in an online environment like Twitter where the demographic is largely critical of the PRC.⁵⁵

Despite creating a path for criticism from Westerners, Chinese government institutions and political figures have recently shown an increased focus on digital diplomacy within Track 1.5, particularly in light of the COVID-19 pandemic. Given that social media is becoming an increasingly relevant medium to conduct international relations, the benefits of using social media for the purpose of eDiplomacy have seemingly outweighed the problems faced by the PRC mentioned by Chenshou Gong.⁵⁶ The overall digital strategy of the PRC is twofold, although seemingly contradictory. First, China has established a clear intention of using social media to improve Sino-foreign relations and highlight attractive parts of Chinese culture, history and daily-life.⁵⁷ Second, increased criticism towards the PRC in light of the COVID-19 pandemic and pro-independence movements in Hong Kong has inspired a wave of nationalism throughout China.⁵⁸ The PRC has thus begun using social media to criticise

⁵³ Gong C, 'Social media and China's public diplomacy: A path to the future' *Fudan University* (July 2014).

⁵⁴ Devlin K, Silver L and Huang C, 'U.S. views of China increasingly negative amid coronavirus outbreak' *Pew Research Center* (April 21 2020) <<https://www.pewresearch.org/global/2020/04/21/u-s-views-of-china-increasingly-negative-amid-coronavirus-outbreak/>>.

⁵⁵ Gong C (n 53).

⁵⁶ *ibid.*

⁵⁷ Huang Z and Wang R, 'Panda engagement' in China's digital public diplomacy' *Asian Journal of Communication* (2020).

⁵⁸ Zhu Z, 'Interpreting China's 'wolf-warrior diplomacy'' *The Diplomat* (May 15 2020) <<https://thediplomat.com/2020/05/interpreting-chinas-wolf-warrior-diplomacy/>>.

foreign nations of disinformation while highlighting their own economic and political strength; a seemingly more offensive approach.

China's first goal is to improve their reputation among Westerners, one which has been achieved both indirectly through the use of light-hearted imagery on social media and directly through censorship. One example of the former is the use of panda imagery in Chinese state media.⁵⁹ One of the main problems faced by China mentioned by Chenshou Gong is the *'incapacity to be personable'* due to the country's perception as a threat.⁶⁰ To overcome this reputation and shape foreign public's perception in a way which makes them *'sympathetic to the Party's agenda'*, China has begun posting images and videos which feature a panda theme.⁶¹

Historically, the panda has come to represent mutual trust and good relations between countries.⁶² During the Cold War, the PRC gifted pandas to the Russian and North Korean governments and did the same for the USA after Richard Nixon's historic visit to China in 1972.⁶³ However, the use of panda imagery by Chinese state-run media is not a strategy to represent good relations with foreign governments. Instead, the use of panda imagery allows Chinese state-run media to shift the perception of foreign publics towards one which is sympathetic of modern China.⁶⁴ Displayed in image 2, People's



Image 2: Tweet posted August 13, 2020.⁶⁵

Daily (@PDChina) posted a video of two pandas, one which proceeds to slide down the tree and run-off. Rather than using its platform of 7.1 million followers to make an official statement encouraging people to engage in social distancing during the COVID-19 pandemic, People's Daily referenced hot temperature and used panda imagery to promote self-isolation. Posts of this nature reflect the PRC's use of eDiplomacy to exert their soft power and shift the perceptions of foreign publics towards more

⁵⁹ Huang Z and Wang R (n 57).

⁶⁰ Gong C (n 53).

⁶¹ Huang Z and Wang R (n 57).

⁶² S.H., 'Why China rents out its pandas: Panda diplomacy in action' *The Economist* (January 18 2019) <<https://www.economist.com/the-economist-explains/2019/01/18/why-china-rents-out-its-pandas>>.

⁶³ *ibid.*

⁶⁴ Huang Z and Wang R (n 57).

⁶⁵ People's Daily China @PDChina (2020), [online], Tweet posted August 13 3:33am, <<https://twitter.com/PDChina/status/1293722187120214016>>.



favourable views of China.⁶⁶ Choosing to release a post of this nature on a platform which is distinctly dominated by Western users, People's Daily aims to avoid criticism while simultaneously promoting an image of China which is nonthreatening.

The second way that China uses its social media is to project an image of the PRC's strength, a shift in narrative which has taken place mainly in the last few years. According to Zhiquan Zhu, Chinese public diplomacy has experienced a shift towards 'wolf-warrior diplomacy'.⁶⁷ In light of world events like the US-China trade war and COVID-19 pandemic, perceptions of the PRC have become increasingly hostile throughout the west.⁶⁸ It has made China's previous eDiplomacy strategies unable to prevent the problems of criticism highlighted by Chenshou Gong.⁶⁹ Fuelled by the West's portrayal of the PRC as the source of global issues like COVID-19, Chinese eDiplomacy has become more offensive rather than defensive. For instance, in April 2020, a Chinese diplomat based in the Netherlands responded on Twitter to statements from American senator Tom Cotton who claimed that COVID-19 originated in a Wuhan lab. The tweet read: '*who is liar? Who is spreading #disinformation? #COVID—19*'.⁷⁰ China has also become much more active on Western social media. Since December 2019, Chinese state-run Twitter accounts have increased the amount of information they share from around 4,000 to over 17,000 tweets per month.⁷¹ Also, many Chinese diplomats, like Ribiao Chen have joined Twitter to engage in transnational debates and share their opinions.⁷²

Overall, China has employed a twofold approach in their use of social media. An increased willingness to engage in Track 1.5 eDiplomacy shows that Chinese diplomats and state media realise the added benefits of maintaining a presence of Western-dominated social media. However, being forced to operate in an online environment which is critical of China's policies, has led the country to use eDiplomacy for the purpose of framing itself as both non-threatening yet economically and militarily capable.

⁶⁶ People's Daily China (n 65).

⁶⁷ Zhu Z (n 58).

⁶⁸ Devlin K, Silver L and Huang C (n 54).

⁶⁹ Gong C (n 53).

⁷⁰ Ribiao Chen @RibiaoChen (2020), [online], Tweet posted April 14 5:10pm, <<https://twitter.com/RibiaoChen/status/1250078991106674689>>.

⁷¹ Scott M, 'Chinese diplomacy ramps up social media offensive in COVID-19 info war' *Politico* (April 29 2020) <<https://www.politico.eu/article/china-disinformation-covid19-coronavirus/>>.

⁷² *ibid.*



2.4. General Trends

While the widespread use of social media by world leaders, diplomats, ministries of foreign affairs and formal institutions like the EU indicate that such actors appreciate the potential for eDiplomacy to help facilitate dialogue, it is important to consider whether such technologies are being used to their full potential. As understood by James Pamment, the fundamental difference between twentieth century public diplomacy and the novel practice of eDiplomacy is *'the emergence of a new media landscape'*, whereby there is a multidirectional flow of information to and from diplomats.⁷³ In order to succeed in this new climate, actors must effectively harness the potential of social media to facilitate effective multilateralism within Track 1, inform official dialogue within Track 2 and acknowledge the needs of civil society within Track 3.

Considering the state of digital diplomacy in the EU, USA and China, it seems as though actors have yet to realise the full potential of ICTs and means of eDiplomacy. Indeed, it appears as though a unidirectional approach to diplomacy, one representative of Pamment's understanding of twentieth century diplomacy, continues to dominate state practice.⁷⁴ National parliamentarians in EU Member States, the EU itself, world leaders in the USA and state-run media in China all have demonstrated the ability to use social media for nation building. However, in all cases there lacks a commitment to using social media for the purpose of facilitating dialogue with official and unofficial actors in other countries. Europe's national parliamentarians remain in online communication bubbles, the EU uses its social media channels for the purpose of internal legitimation, leaders in the USA seem unwilling to engage in dialogue and Chinese state media appears preoccupied with framing China as a nonthreatening yet capable world power. At least at the state level, particularly in relation to Track 1 and 1.5, it goes without saying that ICTs offer significantly more potential for use in foreign policy.

⁷³ Kampf R, Manor I and Segev E (n 49).

⁷⁴ *ibid.*



3. Digital Diplomacy as a Tool for Crisis Response

As of 2021, the most time-sensitive international security threats are perhaps climate change and the COVID-19 pandemic. Given the urgency of such issues, it is necessary that States not only engage in a coordinated response in favour of the public interest, but that they utilise the most efficient and impactful pathways of communication. To maintain international security, states must carry out impact assessments to determine which means of eDiplomacy will most effectively protect the general public. This chapter therefore uses climate change and the COVID-19 pandemic to explore how digital diplomacy may help to address international security threats. Furthermore, this chapter aims to answer the second sub-question: *Do emerging technologies of digital diplomacy, such as but not limited to ICTs and AI, allow for faster response to international security threats?*

Perhaps one of the most cutting-edge technologies for diplomacy involves the use of AI to guide intergovernmental negotiations. One example which is used by the International Chamber of Commerce (ICC) is IBM's Cognitive Trade Advisor (CTA), an AI-based application which is '*designed to read, scan, classify and interpret thousands of intricate provisions in trade agreements*'.⁷⁵ Through AI, the CTA provides ICC delegates with insights that they would likely not have considered otherwise; improving the effectiveness of negotiations and leading to trade agreements. Similar technologies are also put to use by diplomats to gain a better understanding of world events and more accurately predict the strategies of foreign diplomats. To give an example, Chinese diplomats have recently begun exploring the use of AI to guide their foreign policy decisions, especially those related to the Belt and Road Initiative.⁷⁶ AI systems are widely considered an opportunity for states to gain a competitive advantage in diplomatic negotiations as they can provide diplomats with recommendations to guide their foreign policy decision.⁷⁷

Given the potential applications of AI-powered decision making for diplomats, there is no reason to believe that similar technologies cannot be developed to guide negotiations pertaining to international security threats like climate change global health threats. Apart from merely giving certain actors a competitive advantage against others, the use of AI in diplomacy is perhaps most

⁷⁵ ICC Brazil, 'ICC launches artificial intelligence tool for trade negotiations' *Brazil International Chamber of Commerce* (October 4 2018) <<https://www.iccbrasil.org/noticias/2018/10/4/icc-launches-itti-cta/>>.

⁷⁶ Chen S, 'Artificial intelligence, immune to fear or favour, is helping to make China's foreign policy' *South China Morning Post* (July 30 2018) <<https://www.scmp.com/news/china/society/article/2157223/artificial-intelligence-immune-fear-or-favour-helping-make-chinas>>; Millman R, 'China using artificial intelligence to make foreign policy: report' *Internet of Business* (July 30 2018) <<https://internetofbusiness.com/china-using-artificial-intelligence-to-make-foreign-policy-report/>>.

⁷⁷ *ibid*



significant due to its ability to ensure a standard frame of reference between stakeholders.⁷⁸ Since current debates are typically plagued with subjectivity and involve constant disagreements about facts, AI may allow for greater objectivity and trust, leading to more productive collaboration between actors.⁷⁹

3.1. Climate Change

As stated previously, ICTs have enabled the general public to more effectively engage with governments and hold states accountable in their international affairs. Nowhere is this more evident than in relation to the issue of climate change. In 2018, the school strike for climate, or the Fridays for Future movement began when climate activist Greta Thunberg started to protest in the front of the Swedish Parliament.⁸⁰ The practice of publicly demanding change to the current climate policies while not attending school soon became a worldwide phenomenon which gained popularity through social media and online platforms, a true example of eDiplomacy within Track 3.⁸¹ In September 2019, this movement culminated with the Global Climate Strike, a week-long series of protests leading up to the United Nations Climate Summit (UNCS).⁸² An estimation predicted that in Germany alone, over 1.4 million people joined the September 20 protests.⁸³

From a digital diplomacy perspective, the most interesting point of Thunberg's activism is her use of digital means to mobilise the masses and infiltrate the traditional diplomatic arena. At the UNCS, UN Secretary-General António Guterres addressed Thunberg saying, '*I encourage you to keep your initiative, keep your mobilisation and more and more to hold my generation to account*'.⁸⁴ Although Guterres' remarks received criticism from climate activists for being dismissive of the movement's genuine demands for climate action, the exchange is representative of the potential for grassroots social movements within Track 3 to make use of digital tools in order to gain the attention of official actors.⁸⁵ In line with what James Pamment considers to be the essence of 21st-century digital

⁷⁸ Lissovolik Y, 'AI in international relations: The era of 'digital diplomacy'' *Valdai* (February 12 2020) <<https://valdaiclub.com/a/highlights/ai-in-international-relations/>>.

⁷⁹ *ibid*

⁸⁰ Haynes S, 'Students from 1,600 cities just walked out of school to protest climate change. It could be Greta Thunberg's biggest strike yet' *Time* (May 24 2019) <<https://time.com/5595365/global-climate-strikes-greta-thunberg/>>.

⁸¹ *ibid*.

⁸² *ibid*

⁸³ Fridays For Future Germany @FridayForFuture (2019), [online], Tweet posted September 20 3:56pm, <<https://twitter.com/FridayForFuture/status/1175046005420634114>>.

⁸⁴ Guterres A, 'Secretary-General's remarks to youth climate summit [as delivered]' *United Nations* (September 21 2019) <<https://www.un.org/sg/en/content/sg/statement/2019-09-21/secretary-generals-remarks-youth-climate-summit-delivered>>; Merzian R, 'Climate strikes have changes the rules of diplomacy at UN Climate Action Summit' *Renew Economy* (September 23 2019) <<https://reneweconomy.com.au/climate-strikes-have-changed-the-rules-of-diplomacy-at-un-climate-action-summit-37890/>>.

⁸⁵ Merzian R (n 84).

diplomacy,⁸⁶ the Fridays for Future movement present an example where the use of social media allowed for increased communication between official and unofficial actors, ultimately moving beyond Track 3 and into Track 1 and 1.5.



Image 3: Climate protest in Berlin, Germany on September 20, 2019.⁸⁷

Considering whether ICTs used within Track 3 encourage a faster response to global crises, the ability for states to be held accountable in their commitments to combat climate change can be considered a significant driver of progress. In many cases, public criticism of government policy is more influential than the policy itself. Although the UNCS is an important event to combat climate change in its own right, the increased enthusiasm towards climate efforts in 2019 should not be attributed to the states initiatives, but instead towards the public engagement fuelled online. Following the climate strikes, support for Austria's Green Party tripled, and numerous world leaders like Angela Merkel and Justin Trudeau expressed their support for the movement, seeming to capitalise politically on the campaign's popularity.⁸⁸ Businesses and individuals also seemed to have experienced a change in priority towards carbon offsetting. In February of 2020, British Petroleum announced their intention to reach net zero in carbon emissions by 2050,⁸⁹ an apparent response to the World Economic Forum's

⁸⁶ Kampf R, Manor I and Segev E (n 49).

⁸⁷ Cereceda R and Abellan-Matamoros C, 'Millions of young people march for climate in historic mobilisation' Euronews (2019) <<https://www.euronews.com/2019/09/20/global-climate-strikes-kick-off-ahead-of-un-summit-on-climate-change>>.

⁸⁸ Johnson S, 'The 'Greta effect': Can Thunberg's activism actually change policy?' *Big Think* (October 1 2019) <<https://bigthink.com/politics-current-affairs/greta-effect?rebelltitem=1#rebelltitem1>>.

⁸⁹Hutt R, 'The Greta effect? Why businesses are more committed to climate action in 2020' *World Economic Forum* (February 27 2020) <<https://www.weforum.org/agenda/2020/02/greta-effect-business-climate-action/>>; 'BP sets



request that all companies participating in the Davos annual meeting aim for this target.⁹⁰ Popular opinion should not be understated in its ability to influence states' policy objectives. With social media enabling the flow of information, the ability for grassroots social movements to influence official discussion on global issues has been significantly increased.

3.2. COVID-19 Pandemic

'Almost overnight, diplomats have been asked to become advanced users of virtual platforms.'

- Maricela Muñoz, Minister Counsellor at the Permanent Mission of Costa Rica to the UN.⁹¹

Suppose there is one silver lining of the ongoing COVID-19 pandemic. In that case, it is that diplomats, Ministries of Foreign Affairs (MFAs) and the general public are being tested on their abilities to engage in eDiplomacy within Track 1 and 1.5.⁹² To combat the present crisis, diplomats are relying almost exclusively on means of eDiplomacy and ICTs to communicate with one another and achieve their public diplomacy objectives. Indeed, such heavy reliance on digital tools has and will continue to highlight whether digital diplomacy can help facilitate states' response to international security threats.

Travel restrictions, economic insecurity and stay at home orders have closed embassies and prevented the traditional in-person practice of diplomacy from taking place. In addition to slowing down the business of embassies and limiting citizens' access to public services like visa applications, the novel online working environment has highlighted the digital divide and limited certain actors' access to diplomatic affairs.⁹³ Perhaps the most significant change is seen through the online presence of African diplomats. In the pre-COVID era, African diplomats were largely inactive on social media, using more traditional means to communicate with citizens and attending virtual conferences only when necessary.⁹⁴ However, in a similar fashion to Chinese diplomats,⁹⁵ many African leaders have joined the likes of Paul Kagame of Rwanda and many European leaders and begun establishing social

ambition for net zero by 2050, fundamentally changing organisation to deliver' *British Petroleum* (February 12 2020) <<https://www.bp.com/en/global/corporate/news-and-insights/press-releases/bernard-looney-announces-new-ambition-for-bp.html>>.

⁹⁰ 'World Economic Forum asks all Davos participants to set a net-zero climate target' *World Economic Forum* (January 17 2020) <<https://www.weforum.org/agenda/2020/01/davos-ceos-to-set-net-zero-target-2050-climate/>>.

⁹¹ Muñoz M, 'Diplomacy in times of COVID-19' *DiploFoundation* (July 16 2020) <<https://www.diplomacy.edu/blog/diplomacy-times-covid-19>>.

⁹² *ibid.*

⁹³ Junio DR, 'Blog | Digital Divide in the Times of COVID-19' *United Nations University in Macau* (April 15 2020) <<https://cs.unu.edu/news/news/digital-divide-covid-19.html>>.

⁹⁴ Wekesa B, 'COVID-19 heralds the era of digital diplomacy in Africa' *University of Southern California Center on Public Diplomacy* (June 11 2020) <<https://uscpublicdiplomacy.org/blog/covid-19-heralds-era-digital-diplomacy-africa>>.

⁹⁵ Scott M (n 71).



media channels to conduct eDiplomacy within Track 1 and 1.5.⁹⁶ While African diplomats have proven capable of adapting to digital means of conducting diplomacy, there is still a need for a more cohesive digital strategy. Unlike organisations like the EU which have built large social media followings and used their channels to achieve the clear aim of legitimation, the online presence of African MFAs and diplomats has yet to reflect a clear outreach strategy.

With the increased use of digital channels during the pandemic, such technologies may become more heavily and strategically utilised in the future. In fact, some writers consider eDiplomacy to be an opportunity for developing nations to *'leapfrog the industrialisation stage'* and instead grow into competitive information-based economies.⁹⁷ Building soft power through global outreach on social media and effectively using ICTs to negotiate with other countries, developing countries have the opportunity to engage in discussion on equal footing with more economically developed nations.⁹⁸



Image 4: Virtual meeting from G-20 World Leaders Summit.⁹⁹

The question, however, is whether eDiplomacy within Track 1 sufficiently replicates traditional intergovernmental communication. Verity Coyle contented that it does, stating that *'multilateral efforts towards disarmament can progress'* while referring to an online conference organised by the Group

of Governmental Experts on Lethal Autonomous Weapons Systems.¹⁰⁰ Others, however, are not as optimistic: *'Peace-making often requires human contact'* said Tom Fletcher, *'it requires the handshake, at the end of the process'*.¹⁰¹ The COVID-19 pandemic in just a few short months has highlighted a number of strengths and weaknesses in the international communities' ability to rely on eDiplomacy to combat international security threats. While diplomats have proven capable of engaging in multilateralism through Track 1 eDiplomacy, the digital divide has proven to be a significant challenge to states late in adopting new technologies for foreign affairs.

⁹⁶ Wekesa B (n 94).

⁹⁷ Olubukola S, 'Foreign policy in an era of digital diplomacy' *Cogent Social Sciences* (March 1 2017).

⁹⁸ *ibid.*

⁹⁹ VOA News, 'Leaders at G-20 summit vow to make COVID vaccine widely available' *VOA News* (November 22 2020) <<https://www.voanews.com/middle-east/leaders-g-20-summit-vow-make-covid-vaccine-widely-available>>.

¹⁰⁰ Coyle V, 'Multilateralism in the era of COVID-19: The international disarmament community takes first steps into digital diplomacy during the pandemic' *Stimson* (April 8 2020) <<https://www.stimson.org/2020/multilateralism-in-the-era-of-covid-19/>>.

¹⁰¹ Basu M and Sen K, 'Can the international system be fixed?' *Belgrade Initiative for Public and Digital Diplomacy* (July 24 2020) <<https://www.bidd.org.rs/can-the-international-system-be-fixed/>>.



4. Digital Diplomacy and International Law

Given the rise of AI, which has changed the nature of how diplomats engage in diplomacy, the applicability of the current international law framework must be put under revision. The legal sources which outline the privileges and immunities enjoyed by diplomats are twofold: The 1961 *Vienna Convention on Diplomatic Relations (VCDR)* and the 1973 *Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents*. Respectively, these conventions aim to ensure efficiency in the performance of diplomatic missions and grant personal and legal protections those representing their country abroad.¹⁰² While both conventions outline the protections granted to diplomats and the procedures for traditional diplomatic missions, there is a lack of consideration and specificity given to emerging practices. In particular, the use of AI for negotiation, the popularisation of diplomats' personal social media channels and the growing reliance on non-traditional forms of remote working. Aiming to consider the current international law framework relating to diplomatic relations in light of emerging practices of eDiplomacy, this chapter addresses the third sub-question: *Do emerging state practices involving digital diplomacy fall within the scope of public international law?*

4.1. Negotiation Technologies

As per the previous chapters, states and their MFAs have begun researching the development of AI to optimise their foreign policy decisions. In some cases, like the ICC's CTA, this technology has already started guiding negotiations and enabled delegates to more easily interpret technical information.¹⁰³ As a result of emerging technologies like social media, optimised search engines and AI, diplomatic negotiation has experienced a shift towards greater transparency through data-driven techniques. While this shift has allowed the general public to more effectively hold their representatives abroad accountable, one must question whether these transformations contribute to or diminish diplomats' ability to reach a compromise and maintain healthy international relations.

One technology which has become common is the use of verbatim reporting, which involves the use of transcribing software to translate verbal interactions into text.¹⁰⁴ In addition to providing other diplomats with a detailed copy of their counterparts' speech which can then be analysed, fact-

¹⁰² *Vienna Convention on Diplomatic Relations* (adopted April 18 1961, entered into force April 24 1964) 500 UNTS 95 (VCDR); *Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents* (adopted December 14 1973, entered into force February 20 1977) 1035 UNTS 107 (PDC).

¹⁰³ ICC Brazil (n 75).

¹⁰⁴ Kurbalija J, 'E-diplomacy and diplomatic law in the internet era' in 'Peacetime regime for state activities in cyberspace: International law, international relations and diplomacy' *NATO CCDCOE Publication* (2013).



checked, and understood through automated processes, these transcripts are also published online.¹⁰⁵ Diplomats therefore find themselves accountable to a larger audience, leading them to make noncontroversial statements and avoid conflict. On one hand, this new reality appears desirable as it prevents diplomats from falsely representing their country and allows diplomatic negotiations to move beyond the level of Track 1. However, perhaps one of diplomacy's core principles, that of cooperation, is jeopardised. According to Jovan Kurbalija, '*reaching a compromise and maintaining discretion in negotiations are very often closely linked*'.¹⁰⁶ Through technologies which engage the general public in diplomacy which traditionally only existed in Track 1, the public's criticism which once held diplomats accountable quickly becomes the factor which prevents negotiation and compromise. How to reconcile the desire for increased transparency while maintaining diplomatic discretion will prove to be a significant hurdle as diplomats increasingly utilise means of eDiplomacy.

From the perspective of public international law, it is essential to understand the implications of negotiation technologies like the CTA and verbatim reporting. According to Article 3(d) of the *VCDR*, diplomats may obtain information relating to the '*conditions and developments in the receiving State*' through '*all lawful means*'.¹⁰⁷ Perhaps one of the most important pieces of legislation in this regard, at least in the context of the EU, is the *General Data Protection Regulation (GDPR)*. Currently the most comprehensive document for individual privacy, the *GDPR* significantly diminishes diplomats' ability to obtain information under article 3(d) of the *VCDR*. Additionally, Article 7(1) of the *GDPR* outlines that data controllers have the duty to '*demonstrate that the data subject has consented to processing of his or her personal data*'.¹⁰⁸ Diplomats are thus, under Article 3(d) of the *VCDR* and Article 7(1) of the *GDPR*, restricted from relying on automated, data-driven methods of information gathering when such information relates to nonconsenting Europeans.¹⁰⁹ Not only does the *GDPR* pose logistical problems in that any information pertaining to EU data subjects must be obtained through consent, it also, as a result, limits the availability of data with which technologies like the CTA are trained.

Negotiation technologies like verbatim reporting and AI-based systems like the CTA allow for increased transparency and accessibility to information. However, the current international law framework makes the use and publication of such data difficult. As such, legal scholars and practitioners ought to reach a solution which strikes a balance between new technologies and privacy.

¹⁰⁵ Kurbalija J (n 104).

¹⁰⁶ *ibid*.

¹⁰⁷ *VCDR* Art 3(d).

¹⁰⁸ Regulation 2016/679 of the European Parliament and of the Council of April 27 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (*General Data Protection Regulation*) OJ L119/1 (*GDPR*) Art 7(1).

¹⁰⁹ *VCDR* Art 3(d); *GDPR* Art 7(1).



4.2. Online Representation of Diplomats

One of the most critical immunities enjoyed by diplomats is codified in Article 29 of the *VCDR*, which states that *'the person of a diplomatic agent shall be inviolable. He shall not be liable to any form of arrest or detention. The receiving state (...) shall take all appropriate steps to prevent any attack on his person, freedom, or dignity'*.¹¹⁰ This provision serves primarily to maintain good relations between the sending and receiving states and to ensure the efficiency of diplomatic missions. Diplomats serving abroad, in their professional capacity, are inviolable from the receiving states' civil and administrative jurisdiction. However, Article 31(1)(a-c) of the *VCDR* enumerates a number of exceptions.¹¹¹ Perhaps most relevant for the present study is Article 31(1)(c), which subjects *'an action relating to any professional or commercial activity exercised by the diplomatic agent in the receiving State outside his official functions'* to the local jurisdiction.¹¹² In light of the growing professional use of personal social media accounts among diplomats, the line dividing a diplomats' *'official functions'* and private life has become blurred. At what point, if at all, does a diplomat's behaviour on social media constitute an official act of public diplomacy intended to influence the views of foreign publics? Does a diplomat conducting eDiplomacy within 1.5 enjoy immunity under the *VCDR*? While social media enables communication with foreign colleagues, the current international law framework's unclear delineation between diplomats' official and non-official business ineffectively grants protection.

Before considering diplomats' online image, one must understand that the privileges and immunities granted to diplomats have recently drawn criticism for being too far-reaching and unjustifiably granting diplomats personal rather than functional immunities. Diplomats have begun to take advantage of such exemptions for personal gains; acting outside of the host countries laws and often implicating non-diplomats in their behaviours.¹¹³ In 2013, a diplomat from Bahrain was accused of molestation while carrying out a diplomatic mission in India, and through his diplomatic immunity, avoided subjugation to Indian law.¹¹⁴ Many other diplomats have also used their immunity for crimes such as possession of firearms, smuggling of illegal goods and driving while under the influence of alcohol and drugs.¹¹⁵

¹¹⁰ *VCDR* Art 29.

¹¹¹ *VCDR* Art 31(1)(a-c).

¹¹² *VCDR* Art 31(1)(c).

¹¹³ Bharadwaj S and Sowmya NV, 'Abuse of diplomatic immunity and privileges under the Vienna Convention on Diplomatic Relations, 1961' *International Journal of Research and Analytical Reviews* (February 2020).

¹¹⁴ *ibid*.

¹¹⁵ Bharadwaj S and Sowmya NV (n 113).



Given the already unclear barrier between functional and personal immunities established by previous practices, it is challenging to understand such a barrier in the context of novel online behaviours. In some cases, diplomats must follow internal regulations to determine the extent of their immunities. For American diplomats, posts made on social media must be made either on the government's official accounts or approved in the case of personal accounts.¹¹⁶ Despite such regulations, the Foreign Affairs Manual, a document outlining the rules and responsibilities of the actors involved in American foreign policy, does not distinguish between the two types of accounts.¹¹⁷ Given the potential for diplomats' personal social media accounts to influence a country's foreign policy, the current international law framework's lack of clarity concerning a difference between personal and professional social media accounts poses a danger to diplomats.

For example, Article 41(20) of the *VCDR* outlines that all official business relating to the mission which is carried out by the sending state must be conducted '*with or through the Ministry of Foreign Affairs of the receiving state*'.¹¹⁸ Interpreted textually, business carried out by the diplomats of the sending state which is not conjoined with that of the receiving state's diplomats is not official business. Hence, posts made on the personal social media channels of the sending state's diplomats cannot result in the diplomats enjoying immunity.¹¹⁹ Since the use of personal social media accounts by diplomats is carried out at best through consultation with national colleagues and at worst yet most commonly on their volition, protection is largely unjustified. However, posts made on the personal social media accounts of diplomats carry meaning, and in some cases may even influence discussions within Track 1. It is therefore difficult to identify when and under what circumstances Track 1.5 eDiplomacy has the potential to extend into Track 1. While Article 41(20) of the *VCDR* is clear in its wording, its application to the digital space presents numerous problems relating to diplomatic immunity which case law has yet to address.

¹¹⁶ Corrigan J, 'Diplomats aren't following the state department's social media rules, watchdog says' *Nextgov* (February 7 2019) <<https://www.nextgov.com/cio-briefing/2019/02/diplomats-arent-following-state-departments-social-media-rules-watchdog-says/154709/>>.

¹¹⁷ *ibid.*

¹¹⁸ *VCDR* Art 41(2).

¹¹⁹ Kurbalija J, 'Is it time for a review of the Vienna Convention on Diplomatic Relations?' *DiploFoundation* (April 16 2012) <<https://www.diplomacy.edu/blog/it-time-review-vienna-convention-diplomatic-relations/>>.



4.3. Remote Working

The growing reliance on remote working has also created difficulties in establishing the nature of diplomats' work. In particular, remote working blurs the line between a diplomats' 'private residence' and the 'premises of the mission'. The first relevant article is Article 22(1) of the VCDR, which states that *'the premises of the mission shall be inviolable. The agents of the receiving State may not enter them, except with the consent of the head of the mission'*.¹²⁰ Article 30(1) further clarifies the meaning of the premises of the mission, stating that *'the private residence of a diplomatic shall enjoy the same inviolability as protection as the premise of the mission'*.¹²¹ In light of the increased reliance on remote working both for the sake of convenience and to comply with the ongoing social distancing regulations resulting from the COVID-19 pandemic, Article 22(1) and 30(1) allow a diplomats' residence to perform as the *de facto* premises of the mission. Article 30(1) still, does not solve the unclarities surrounding what constitutes the diplomatic premises. In particular, the extent to which a MFAs' digital assets ought to be protected is unclear.

First, Article 24 of the VCDR states that *'the archives and documents of the mission shall be inviolable at any time and wherever they may be'*.¹²² With the shift towards remote working, Article 24 has become increasingly relevant since work is primary based online. Second, Article 27(2) states that *'the official correspondence of the mission shall be inviolable. Official correspondence means all correspondence relating to the mission and its functions'*.¹²³ However, the nature of modern diplomatic communication, which as previously mentioned, is increasingly subject to public critique and carried out through digital means, makes Article 27(2) difficult for receiving states to uphold. It is often unreasonable for sending states to expect their communication to be actively protected by the receiving state though expensive and complicated security mechanisms. Also, the increased use of surveillance technologies by malicious terrorist organisations and foreign governments suggests that receiving states cannot realistically protect the official correspondence of diplomats.

According to Jovan Kurbalija, there are five novel ways that States have begun to more efficiently and inexpensively conduct their diplomatic relations. These include the use of multilateral hubs, regional hubs, reliance on so-called 'roving ambassadors', the use of honorary consuls and the outsourcing of consular services to third parties.¹²⁴ More recently, the concept of 'virtual embassies', those which exist solely online have become popularised.¹²⁵ Virtual embassies exist in two distinct forms. First,

¹²⁰ VCDR Art 22(1).

¹²¹ VCDR Art 30(1).

¹²² VCDR Art 24.

¹²³ VCDR Art 27(2).

¹²⁴ Kurbalija J (n 119).

¹²⁵ *ibid*.

consular services may be offered through a central website which citizens can access by providing their login details.¹²⁶ One example of this type of virtual embassy is the American Virtual Embassy Tehran, which is the primary source of American consular services in Iran.¹²⁷ Since the American embassy in Tehran has been closed since the 1979 hostage crisis, a virtual embassy is important both for providing Americans with services abroad and conducting diplomacy in Iran. Despite the Iranian government blocking the website, the virtual embassy's website explains that the virtual embassy aims to 'bridge the gap between the American and Iranian people'.¹²⁸ Second, more experimental forms of embassies such as virtual replicas of a consular building in virtual environments like the game Second Life have been tested by countries like The Maldives, Sweden and Estonia.¹²⁹



Image 5: Virtual embassy of the Maldives in Second Life.¹³⁰

¹²⁶ Kurbalija J (n 119).

¹²⁷ 'Why virtual embassy Tehran?' *U.S. Virtual Embassy Iran* (ND) <<https://ir.usembassy.gov/tehran/>>.

¹²⁸ *ibid.*; Manor I, 'On virtual embassies in the age of digital diplomacy' *Exploring Digital Diplomacy* (June 25 2014) <<https://digdipblog.com/2014/06/25/on-virtual-embassies-in-the-age-of-digital-diplomacy/>>.

¹²⁹ Kurbalija J (n 119).

¹³⁰ 'Maldives Unveils World's First Virtual Embassy' *DiploFoundation* (May 22 2007) <<http://archive1.diplomacy.edu/pool/fileinline.php?idpool=463>>.



One of the leading legal problems which has emerged as a result of the increased reliance on remote working and use of virtual embassies relates to the common terminology of ‘*sending*’ and ‘*receiving*’ state. Throughout the *VCDR*, states engaging in diplomatic relations are referred to as the ‘*sending*’ and ‘*receiving*’ states. Given the current circumstances, it is possible that diplomatic ties may be more effectively maintained remotely, thus removing the need for diplomats to physically enter another country. As states increasingly engage with one another through digital means, it may become necessary for the *VCDR* to ditch the ‘*sending*’ and ‘*receiving*’ terminology in favour of more widely applicable terms. It remains unclear whether virtual diplomatic relations facilitated through the virtual embassies mentioned above would constitute an ‘*official visit*’ or allow the distinction between sending and receiving state to be made. However, as interstate cooperation moves into the digital space, it is important to consider whether the legislation by which it is regulated effectively takes the practices of states, diplomats and unofficial actors into account.

5. Digital Diplomacy Impact Assessment

Throughout this publication, the previous three chapters have addressed each of the three sub-questions. This paper has provided an exploration into the various applications of eDiplomacy around the world, the extent to which means of eDiplomacy can be applied to combat international security threats, and the applicability of the current international law framework to modern digital diplomacy. Using the information provided in the previous three chapters, this chapter aims to serve an evaluative purpose, and answer the main research question: *Have technological developments relating to digital diplomacy impacted the field of international relations and diplomacy? If so, what are the benefits and challenges of a wider acceptance of digital diplomacy?*

5.1. Digital Diplomacy’s Impact on International Relations

In the past decades, social media and AI have fundamentally changed the field of international relations and led to two main developments. First, within each Track of diplomacy, there is a growing reliance by diplomats and civil society on digital tools. It ranges from states conducting a large portion of their international relations online to states relying on automated decision-making systems to guide foreign policy decisions. In fact, digital mediums can perhaps be considered the most effective method to conduct public diplomacy. Nowhere is this more apparent than with the PRC’s use of social media to simultaneously project an image of the country’s attractiveness while maintaining a strong



sense of *'wolf-warrior diplomacy'* on Western social media.¹³¹ While China's international relations have not yet reached the state of being conducted solely online, it is clear that the country has responded to recent criticism through public diplomacy strategies which rely heavily on digital connectedness. China has also proven it is committed to introducing AI technologies to guide its diplomats in conducting negotiations with foreign diplomats. Introduced in 2019, the *'Geopolitical Forecasting and Simulation Platform'*, a system which uses automated decision making to provide foreign policy recommendations, was reflective of China's high investment in such technologies.¹³²

Given the growing use of digital mediums by diplomats to conduct international relations, it is safe to say that the practice of eDiplomacy, aside from providing the added benefit of increased connectivity and efficiency, has become a necessary element for states to maintain relevance among the international community. *'Countries, especially African countries, slow in embracing digital diplomacy cannot afford to be left behind in this tide of digital diplomacy'* said Adesina Olubukola.¹³³ It seems that in light of such urgency to adopt digital diplomacy, there is a general consensus that the ability to participate in this novel form of international relations is necessary in modern international relations. Although some initiatives like the Maldives' creation of a digital embassy in a niche virtual ecosystem probably has a lower added benefit than others like China's use of automated decision making for foreign policy, to overlook the value of digital diplomacy will likely put such countries on the wrong side of the digital divide.

Second, new technologies of digital diplomacy have enabled IOs and non-state actors to participate in foreign affairs more actively. IOs like the EU can promote certain policy areas and encourage intergovernmental communication between the Member States. Non-state actors like NGOs and private individuals, likewise, can more effectively and with greater publicity hold diplomats accountable as they manage their country's international relations. As stated by Olubukola, *'foreign diplomatic missions can no longer ignore the diplomatic activity in the Twittersphere'*.¹³⁴ The EU in particular has demonstrated a strong commitment to using social media to promote integrationist policies and legitimise EU institutions. Given the EU's ability to use social media for the purpose of controlling the narrative surrounding its institutions and policy decisions, means of eDiplomacy have been heavily relied on.

¹³¹ Huang Z and Wang R (n 57); Zhu Z (n 58).

¹³² Abedi S, 'Diplomacy in the era of artificial intelligence' *The Diplomatist* (March 6 2020) <<https://diplomatist.com/2020/03/06/diplomacy-in-the-era-of-artificial-intelligence/>>.

¹³³ Olubukola S (n 97).

¹³⁴ *ibid.*



Recent social movements from the Arab Spring to the 2019 climate protests have also demonstrated the enabling of private individuals and grassroots social movements to participate in foreign policy. Through the combination of a broader use of verbatim reporting and the ability for the general public to gain access to such information, diplomats and world leaders are increasingly being held accountable and forced to address the concerns of the general public. It was perhaps made most clear with António Guterres's response to Greta Thunberg and the subsequent positioning of political leaders next to the activists' message.

5.2. Evaluating a Wider Adoption of Digital Diplomacy

To preface this subsection, this publication does not aim to argue whether a wider acceptance of digital diplomacy is an inherently good or bad development. Given that digital diplomacy has to a large extent already become a reality, to speak of its adoption as mutually exclusive to traditional diplomacy would be ineffective and poorly representative of the modern diplomatic environment. Instead, this subsection aims to outline the benefits and challenges posed by recent developments of digital diplomacy to encourage proper regulation and use of such technologies.

5.2.1. Benefits of Digital Diplomacy

The first benefit of digital diplomacy is that such technologies can help combat international security threats such as climate change and global health crises like the COVID-19 pandemic. Within Track 1, AI and modern social media allow diplomats to engage in negotiations with foreign governments more efficiently and when circumstances make in-person negotiation difficult or impossible. A distinct example is seen through the response of governments and IOs to the COVID-19 pandemic. From July 6 to 10th 2020, the UN Counter-Terrorism Centre hosted a virtual counter-terrorism week.¹³⁵ According to the UN's Office of Counterterrorism, the virtual event was attended by '*representatives from 134 Member States*' and '*200 representatives from UN entities*'.¹³⁶ Despite the ongoing pandemic, the Office of Counterterrorism helped to both reaffirm the international community's commitments against international terrorism and encourage collaboration between the Member States. Not only was social media an integral factor in allowing the conference to take place, but it also contributed to an increased level of transparency, which allowed the general public to tune in and hold public officials accountable in their foreign policy decision. Therefore, social media allows

¹³⁵ United Nations, "Strengthen multilateralism' to combat global terrorism' *UN News* (July 10 2020) <<https://news.un.org/en/story/2020/07/1068171>>.

¹³⁶ United Nations Office of Counter-Terrorism @UN_OCT (2020), [online], Tweet posted July 10 8:23pm, <https://twitter.com/UN_OCT/status/1281655330686918661>.



security threats to be addressed with greater efficiency and transparency, fundamentally changing the way that diplomacy is carried out within all Tracks.

The second benefit of broader adoption of digital diplomacy is that transnational negotiations can enjoy greater efficiency and objectivity. Through recent developments in AI which can help guide countries' foreign policy decisions, diplomats, particularly from less influential countries, can now implement data-driven technologies which level the diplomatic playing field. According to Yaroslav Lissovolik, *'AI may prove to be an important tool in international diplomacy to build trust among the key stakeholders in conflict resolution or dispute settlement via the use of impartial procedures that are at the same time verifiable and transparent'*.¹³⁷ AI is not objective, developers of automated tools inevitably introduce certain biases into code which favour certain actors. However, the use of AI-based tools introduces a level of transparency which, when applied in the context of diplomatic negotiations, may contribute to increased trust and therefore compromise between negotiating parties. The CTA system described in chapter 3 is one such technology. The developers of the CTA explained that although the technology was still in an early stage, the intention was to *'make such tools freely available, through working with the United Nations bodies'*.¹³⁸ As the technology progresses, similar technologies to the CTA may be used by a variety of different actors. In essence, this would encourage efficiency and equip negotiating actors with equal abilities to access information, engage in multilateralism and address issues of international relevance.

5.2.2. Challenges of Digital Diplomacy

Although digital diplomacy generates the aforementioned benefits, it is equally important to address three main pitfalls stemming from a wider adoption of digital diplomacy. First, although digital diplomacy can be said to help combat international security threats, means of eDiplomacy bring about security threats of their own, particularly in the areas of cybersecurity and leaking of information.¹³⁹ Given that diplomats often work with sensitive information, cybersecurity and the protection of information is a significant concern for governments and their diplomatic missions.¹⁴⁰ By 2021, Cybersecurity Ventures predicts that the total global cost of cybercrime damages will exceed \$6 trillion.¹⁴¹ In addition to the tangible costs, cybercrimes aimed at government entities can leak

¹³⁷ Lissovolik Y (n 78).

¹³⁸Höne K, 'AI as a tool for diplomacy' in 'Mapping the challenges and opportunities of artificial intelligence for the conduct of diplomacy' *DiploFoundation* (January 2019).

¹³⁹ Briant EL and Wanless A, 'A digital ménage à trois: Strategic leaks, propaganda and journalism' in 'Countering online propaganda and extremism: The dark side of digital diplomacy' *Routledge* (2019).

¹⁴⁰ *ibid.*

¹⁴¹ Calif S, 'Global cybersecurity spending predicted to exceed \$1 trillion from 2017-2021' *Cybercrime Magazine* (June 10 2019) <<https://cybersecurityventures.com/cybersecurity-market-report/#:~:text=U.S.%20Government%20spending%20on%20cybersecurity,largest%20contributor%20to%20the%20budget>>.



confidential information and result in non-pecuniary damages which hinder states' foreign policy initiatives.¹⁴² Using digital tools to facilitate eDiplomacy, states must take into account the risks of storing information digitally and take proper precautions to maintain confidentiality and protect the privacy those to which the information applies.

Cybersecurity is also an area where digital diplomacy's adoption may serve certain countries more favourably than others. According to the 2018 Global Cybersecurity Index, 58 per cent of the countries included in the study have implemented a national cybersecurity strategy.¹⁴³ However, such a strategy had been implemented in only 14 out of 44 African countries, while in Europe the number was 40 out of 46.¹⁴⁴ Adesina Olubukola has explained that digital diplomacy offers economically less developed countries a '*window of opportunities to leapfrog the industrialisation stage*'.¹⁴⁵ However, without an associated commitment against cybersecurity risks, the opportunities to utilise means of eDiplomacy to be competitive in the global market will likely disappear.¹⁴⁶ It would also be wrong to consider how digital diplomacy enables diplomats to achieve their objectives without considering how the same technologies are equally as powerful when used by non-state actors such as terrorist organisations.¹⁴⁷ In recent years, terrorist organisations have managed to exploit popular ICTs like YouTube and Facebook to spread extremist ideologies and recruit supporters from specific communities which were previously inaccessible.¹⁴⁸ According to the UN in 2015, ISIS had recruited over 30,000 individuals from over 85 countries.¹⁴⁹ Through social media strategies aimed at impressionable youth, ISIS aims to utilise ICTs to strengthen themselves in terms of supporters which simultaneously fosters a conflict with Western nations. In the same way that states have begun to use social media to achieve their public diplomacy aims, private entities and terrorist organisations are simultaneously empowered, further encouraging states to consider topics such as internet censorship, surveillance and misinformation.

Second, the adoption of digital diplomacy may hinder collaboration through a lack of diplomatic discretion and contribute to the digital divide if developing nations are unable to make use the new technologies. Since digital means have enabled the general public to hold diplomats accountable,

¹⁴² Briant EL and Wanless A (n 139).

¹⁴³ International Telecommunication Union, 'Global cybersecurity index 2018' *International Telecommunications Union* (2019).

¹⁴⁴ *ibid.*

¹⁴⁵ Olubukola S (n 97).

¹⁴⁶ *ibid.*

¹⁴⁷ Rashica V (n 1).

¹⁴⁸ *ibid.*

¹⁴⁹ Benmelech E and Klor E, 'What explains the flow of foreign fighters to ISIS?' *Terrorism and Political Violence* (October 31 2018).



digital diplomacy has forced diplomats to manage their public image more deliberately. Chapter 4 discussed that while this increased transparency has encouraged diplomats to more effectively represent the interests of their country, it often stifles progress as competing parties often must make compromises for the sake of reaching an agreement.¹⁵⁰ With an increased level of transparency, diplomat's making of a compromise may be met with criticism for abandoning the countries true interests. Of course, this reality contrasts the primary function of diplomacy as outlined in the *VCDR*; '*the maintenance of international peace and security, and the promotion of friendly relations among nations*'.¹⁵¹ Thus, the transparency of diplomatic relations, while preventing diplomats from engaging in controversial agreements, diminished the ability for diplomats to engage productively in compromising behaviour with diplomats from other countries.

Third, the current public international law framework is outdated, as international treaties such as the *VCDR* were established with a traditional understanding of diplomacy. However, in light of the heavy reliance of diplomats on digital tools for communication amongst themselves and with the general public, such legislation can be said to ineffectively provide for novel practices and grant insufficient protections to 21st-century diplomats. One example is with the *GDPR*'s limitation of diplomats' ability to rely on data-driven AI when conducting their foreign policy in the EU. While such technologies can provide diplomats with greater efficiency and data to inform their foreign policy decisions, the *GDPR* limits diplomat's ability to collect data relating to European data subjects. Nevertheless, the *GDPR*'s strict protection of data subject's right to data ownership has far-reaching benefits for maintaining individual privacy. Therefore, future changes to the international law framework must strike a balance between the privacy of European data subjects and the legitimate interests of diplomats to use AI-based technologies to inform foreign policy.

Another example of the current international law's inapplicability to modern practices relates to the lack of clarity in treaties like the *VCDR* surrounding what diplomatic behaviours constitute '*official functions*' and thus enjoy legal protection. Given that diplomats possess tremendous levels of influence on their personal social media channels, it would perhaps be wise to grant diplomatic immunity on the basis of an action's political influence rather than official character. The preamble of the *VCDR* states that '*the purpose of such privileges and immunities is not to benefit individuals but to ensure the efficient performance of the functions of diplomatic missions as representing states*'.¹⁵² In recent years, digital diplomacy has blurred the barrier between a diplomats' private and official functions. It has resulted both in the abuse of diplomatic immunities, and perhaps more

¹⁵⁰ Kurbalija J (n 104).

¹⁵¹ *VCDR* Preamble.

¹⁵² *VCDR* Preamble.



problematically, allowed a diplomat's unofficial business conducted within Track 1.5 to have consequences within Track 1. Granting diplomatic immunities in specific circumstances where the behaviour is considered *'influential'* would more effectively realise the VCDR's purpose of maintaining the efficient performance of diplomatic functions and limit the problems arising through the unclarity surrounding diplomats' private and official responsibilities.

6. Conclusion

'Employing digital technologies is becoming mainstreamed into diplomatic practice.'

- John Kerry, Former USA Secretary of State.¹⁵³

If this paper demonstrated at least one certainty, it is that to characterise digital diplomacy as separate concept to traditional diplomacy has become increasingly inaccurate. Around the world, developments in AI and social media have enabled states, IOs, private individuals and social movements to engage in dialogue relating to foreign affairs with an increased sense of connectedness and coherence. In particular, such technologies have allowed both official and non-official actors to more effectively address international security threats like climate change and COVID-19. However, as technologies continue to progress and offer novel solutions to complex societal problems, legal scholars must question the applicability of relevant legislation.

This publication has explored the emergence of digital diplomacy from empirical, security studies and legal perspectives. Outlining the ways in which eDiplomacy has been adopted in the EU, USA and China, Chapter 2 demonstrated that digital diplomacy plays an increasingly important role in states' achievement of their foreign policy objectives. However, data suggests that actors are not using ICTS to their full potential, particularly when it comes to establishing avenues for dialogue. Next, Chapter 3 considered the role of digital diplomacy in responding to international security threats such as climate change and COVID-19. Importantly, this chapter identified social media and other emerging technologies as powerful tools through which the general public may engage in Track 3 eDiplomacy to hold official actors accountable in their response to security threats. Additionally, the concept of the digital divide was discussed in relation to the COVID-19 pandemic, and the importance for developing states to adopt new technologies in order to remain competitive in international negotiations was stressed. Then, the applicability of the current public international law framework to the increased adoption means of eDiplomacy was questioned in Chapter 4. This chapter identified

¹⁵³ Hocking B and Melissen J, 'Diplomacy in the digital age' *Netherlands Institute of International Relations Clingendael* (July 2015).



a number of enduring questions which must be addressed in the coming years. In particular, this publication contends that states must strike a balance between the protection of European data subjects' privacy and the effectiveness of AI-based tools, that the current legal framework ineffectively grants protection to 21st-century diplomats, and that emerging practices have blurred the lines between the traditional notion of '*sending*' and '*receiving*' state.

Finally, drawing from the insights provided, Chapter 5 evaluated digital diplomacy's impact on the field of international relations and considered a number of opportunities and challenges posed by a wider reliance on means of eDiplomacy. This chapter put forth the contentions that the adoption of digital diplomacy has become increasingly commonplace and enabled unofficial actors such as grassroots social movements to more easily engage in discussions relating to foreign affairs. Additionally, Chapter 5 outlined some opportunities of digital diplomacy such as the ability to more effectively respond to security threats and improve objectivity. Such opportunities were then weighed against challenges like an increased vulnerability to cyber-attacks, problems relating to a lack of discretion and the inapplicability of the current international law framework.

In conclusion, it is clear that a wider adoption of digital diplomacy within all of the Tracks mentioned poses a number of opportunities for actors to more efficiently facilitate dialogue related to foreign affairs. However, a wider adoption of digital diplomacy requires legal scholars to address a number of important legal questions relating to the applicability of the current international law framework. Moreover, it is important that digital tools are put to use for the purpose of establishing effective communication. If AI, social media and other ICTS are not used to establish effective pathways for communication but rather used as a tool for publicity, actors sacrifice a great deal of digital diplomacy's potential. Indeed, the adoption of digital diplomacy is perhaps the most significant developments in the field of international relations. The digitalisation of interstate communication within Track 1, new opportunities for public diplomacy and nation building within Track 1.5 and a newly empowered civil society within Track 2 and 3 are but a handful of developments set to alter traditional norms of diplomacy. Therefore, an acknowledgement of such technologies potential alongside a conceded effort among legal scholars to identify effective legal frameworks is of utmost importance.



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