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THE LANGUAGE OF FRIENDSHIP IN INTERNATIONAL TREATIES

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Abstract

While the concept of friendship has been largely invisible within Western political debate, in the international political domain, 'friendship' and the language of friends has been prominent in treaties and alliances between nations. Database searches on the topic of 'politics and friendship' locate predominantly references concerning relationships between states. However, it has been war and enmity rather than friendship which has dominated analysis in international relations literature.

In this paper we provide a history of international treaties, focusing in particular on those named as friendship treaties. We will discuss the use of concepts and terminology related to friendship and the nomenclature associated with international alliances.

It will be argued that friendship is more a tool of public relations and spin, rather than diplomacy and peace-building, and the cynical use of friendship does not sit easily with the Nehruvian concept of friendship as an important method of diplomacy which can act as a path to peace, goodwill and understanding between states and nations.

Introduction

War, according to Michael Howard (2001, p.1), has been the ‘universal norm in human history’. The twentieth century witnessed an unprecedented threnody of violence and death, war has been a recurring element of human interaction, and a dominant theme of inter and intra-state interaction since the establishment of the Westphalian system (see for example, Barash and Webel 2002, Etherington 2001). As such, war has been studied by international relations scholars ‘more than any other single subject’ (Henderson 1998, p.129). War and peace have been traditionally viewed as dichotomous and mutually exclusive (Papp 2002, p.435).

Peace-time activities in international relations have often focused on preparations for war, or actions aimed at avoiding war. In this context the creation of bilateral or multilateral relationships between states has been important for a variety of purposes – for instance, as means of demonstrating alliance between states, or to concretize specific cooperative linkages (i.e. trade, developmental assistance, common or collective military defence arrangements) between the states. Peace and friendship treaties are some of the most common titles for these international treaties. While sometimes the terminology of ‘peace’ and ‘friendship’ are used interchangeably, usually ‘peace’ treaties signify the secession of hostilities, whereas ‘friendship’ treaties are used for a wider range of agreements between the parties.

The anomaly of equating international relations with the concept of friendship has been noted by several commentators. So for example, Oelsner (2007) states that ‘there seems to be an insurmountable obstacle to even thinking in terms of friendship about relations taking place at the international (interstate) level.’ (p.257). However, it is in the practice of international relations that the terminology of ‘friendship’ has had most prominence in relation to politics. The most common results from database searches on ‘politics and friendship’ are references to friendship between nations and states, and to friendship treaties.

International relations literature has provides very little in the way of analyses of the language and use of the concept of friendship in relation to international treaties, although there is new research beginning to emerge in this field (see for example, Smith and King 2007) There are very few definitions of what constitute friendship treaties. Rose’s (2007) research in Australia identifies five treaty activity categories: defence strategy; natural resources; commerce; friendship and cooperation; and law enforcement. He divides the ‘friendship and cooperation’ treaty activities into three further subcategories: cultural and consular; science and technology; and development cooperation. However, this categorization does not cover the full range of activities under friendship treaties.

In this paper, we will look at the use of friendship terminology in international treaties. We will review the history of international treaty making, focusing on a range of treaties which use the name of friendship in their title. We have chosen a wide range of treaties, covering different historical periods, a variety of geographical locations and those involving the major powers, to gain some perspective of the scope of the field. We use the English language versions of the treaties, commenting only occasionally on translations where these are available. Firstly, the diplomatic use of the language of friendship will be discussed within the context of Nehru's theory of friendship and good relationships as a diplomatic method which can contribute to global peace and understanding.

The Diplomatic Language of Friendship

The concept of friendship has intuitive associations with the ideas of contracting in an attempt to ensure peaceful relationships. Friendship includes the values and activities of reciprocity, equality, mutuality, altruism and utility. It implies some kind of commitment and trust between partners, support, cooperation and protection, and embodies a partiality, which permits some preference of association between particular parties. Therefore, friendship does seem to be an appropriate term for treaty relationships which are aimed at preserving peace.

Diplomacy which focuses on the peaceful conduct of international relations has for centuries been using the language of friendship, but the role of friendship does not feature prominently in the literature on diplomacy or diplomatic culture. Wiseman 2005, for example, notes that one of the five norms of a diplomatic culture is civility, suggesting tact, respect and courtesy, but he does not discuss friendship at all. Mitchell (1986, p.1) is skeptical about expecting friendship to be 'the inevitable fruit of cultural relations' as it is 'too unpredictable a quality'. He suggests that it is 'understanding' rather than 'affection' which should be the aim of diplomacy. Mitchell claims that it is naïve and 'loose thinking' to expect something deeper and more emotional than understanding (p.1).

It is the writings and approach of Jawaharlal Nehru which might provide a guide to theorizing about the role of friendship in international relations. For Nehru, friendship between states was one of the methods which states should use when interacting with one another. The method was as important as the end objective, and was based, as Range (1961, p.85) notes, on the Gandhian theory of means and ends:

According to this theory, the means to an end are equally as important as, and often more important than, the end itself. Throughout his teachings, Gandhi insisted that unless great attention is paid to the proper methods of attaining one's goal, the goal might not be reached; or even if it is reached, the goal will be found worthless if the methods used have created additional problems.

Approaching relations between countries on the basis of friendship would mean that a country would be rewarded with a friendly response. Nehru said that if a state approaches another state 'in a friendly way, with goodwill and generosity, you would be

paid back in the same coin.’ (Range, p.86). Range notes that Nehru was particularly impressed by Gandhi’s friendly approach to his opponents. Nehru argued that Gandhi undermined his opposition by being friendly, and with this psychological approach used repeatedly, his opponents’ hostility and aggressiveness ‘just faded away’ (p.89).

For Nehru, peaceful cooperation between states should be based on five principles, known as *Panchsheel*: respect for each other’s territorial integrity and sovereignty, non-aggression, non-interference in each other’s internal affairs, equality and mutual benefit and peaceful co-existence (Chandra, Mukherjee and Mukherjee 2003 p.150; Mark 2007).¹ Nehru believed that if these ‘wholesome’ principles were to be adopted ‘in the relations of various countries with one another, a great deal of trouble of the present day world would probably disappear.’ (quoted in Krishna, 1984, p.274). Friendship was a diplomatic method, for Nehru. Friendship allowed states which agreed and disagreed with one another to communicate, to resolve issues without recourse to war. National interests were paramount, but they had had to be conceived of ‘in global terms, in terms that required friendship with all other states, in terms that demanded a maximum of cooperation with other states’ (Range, p.51).

Although this concept of friendship implies trust between the parties, built up over the course of a relationship, the use of the terminology of friendship can also be a rhetorical device attempting to replicate the idea of a close relationship, in order to manipulate the other party into a falsely trusting position. The importance of economics, access to trading routes, safe harbours and other resources as the basis for many of the relationships between states, also means that persuasive language might be used to disguise any intended exploitation.

In addition to issues of signification and language manipulation, there is the possibility of misunderstandings when different cultural connotations relate to different words and concepts, as well as the issue of the accuracy of translations. Even in the English language there are a number of different words used as synonyms or associated with the idea of friendship, which have different connotations, subtle underlying meaning and signification. Terms such as amity, friendliness, fellow-feeling, harmony, goodwill and cooperation have all been used in international treaty-making.

A History of Friendship Treaties

The agreements that mark the relationships of sovereigns, states and nations are known by a multiplicity of terms, but the most common term for the contract is ‘treaty’. The preamble to the *Vienna Convention (1969)* emphasizes that treaties have had a ‘fundamental role’ in the history of international relations. The International Law Commission (ILC) has defined a treaty as:

¹ Ironically, the first formal enunciation of these principles, in the Agreement on Trade and Intercourse between the Tibet region of China and India, signed on 29 April 1954, was followed less than 10 years later by the Indo-China border war.

any international agreement in written form, whether embodied in a single instrument or in two or more instruments and whatever its particular designation (treaty, convention, protocol, covenant, charter, statute, act, declaration, concordat, exchange of notes, agreed minute, memorandum of agreement, *modus vivendi*, or any other appellation) concluded between two or more States or other subjects of international law and governed by international law. (Brownlie 1990, p.605)

According to Shaw (1997, p.634) the various terms used interchangeably with treaty ‘each refer to the same basic activity and the use of one term rather than another often signifies little more than a desire for variety of expression’.

The Ancients and Friendship Treaties

The first recorded treaty was concluded between the Sumerians and their neighbours around 3000BC, and there are several references to treaties, including a treaty of peace, in the Bible.² A treaty was an agreement between tribes and nations, whereas a covenant (*berith* in Hebrew, or *diathece* in Greek) was a superior form of agreement between God and man, or even man and man (Bunn-Livingstone 2002, pp.78-79). Ramses II of Egypt is reported to be the first king in history to sign a peace treaty with Hattusili III, the leader of the Hittites, about 1280 BC. This treaty was recorded in two versions, one in Egyptian hieroglyphs, the other in Akkadian, using cuneiform script, the language of the Hittites.³

There was extensive treaty-making during the time of the Greek city-states. Bederman (2001, p.155) reports the count at nearly 400 treaties ‘from the period before 338 BCE, when Greece came under Macedonian domination.’ The Greeks used a variety of treaty instruments for different purposes. There were, for instance, treaties concluded at the termination of hostilities with distinctions as to whether these were peace treaties, declarations of neutrality, or amnesties ending periods of internal disturbances. Differentiation in treaty instruments extended to the different types of alliances (defensive or offensive), and to a variety of agreements which established ‘special individual or commercial relationships between two cities’, such as *asylia* where protection was granted to a foreigner against self-help reprisals by citizens of the state, or *proxenia* where a resident foreigner was entrusted in that state with protection of fellow citizens and diverse diplomatic tasks for his own state.

A *philia*, or treaty of friendship, was one of the most important of the treaties used by the Greeks. *Philiai* can be contrasted with other forms of alliance, the *symmachia* or *epimachia*. Both *symmachia* and *epimachia* were military alliances, but the *symmachia* ‘were considered to be alliances which committed States to support each other in battle, while an *epimachia* required only that parties render assistance if one suffered an invasion’ (Bederman, p.162). *Philiai*, then, denoted friendship between polities but did not give the treaty partners the status of allies. This was an important distinction.

² ‘Joshua was deceived in 1451 BC into making a treaty of peace with the Gibeonites...’ (Bunn-Livingston 2002, p.79).

³ Both versions of the peace treaty have survived and a reproduction of the treaty has been on display in the United Nations headquarters.

Friendship and alliance were considered as two separate identifications, so that *philia* partners had the status of friends, but not necessarily allies unless they had also concluded *symmachi* or *epimachia* agreements with each other, or had entered into *sympoliteiai* ('advanced forms of alliance which resulted in federal unions of cities') or *amphictyoneiai* ('international leagues or organizations') which committed each to give assistance to the other. (Bederman, p.162)

In the case of Roman foreign relations, friendship was also considered to be a suitable concept to refer to relationships between states. Hugo Grotius claims that:

...what Cicero has said of private friendships may with equal propriety be applied to public engagements of this kind, which are all to be religiously and faithfully observed, especially where war and enmity have ended in peace and reconciliation. (cited in Roshchin, p.9)

The Latin word for friendship, *amicitia*, has been used to represent political affiliations in the Ancient Roman world, and like the Greeks, the Romans utilized a number of different treaty forms. According to Bederman (2000), the two most characteristic forms in the period from 250 to 50 BCE were the *deditio* (a treaty of surrender) and *foedus iniquum* (an unequal alliance). Significant distinctions were created among various forms of Roman subordinate allies as a client state could be an *amicus* (friend) or a *foederatus* (ally). There is, however, controversy among scholars as to the exact categorisation of Roman-client state relations. For instance, Mommsen (cited in Bederman 2000, p.190) identified three different groups of states: *amici*, those who had friendly relations with Rome; *amici et socii*, 'those who in addition to friendly relations had a duty to send military contingents to Rome upon request'; and *socii* 'who were virtually subordinated to Rome and were required to provide set military contingents on an annual basis'. Other scholars have suggested that a *foedus* relationship was significantly different from an *amicitia* relationship, postulating that the 'amicus relationship was premised on a renunciation of war' and was the Roman equivalent of the Greek *philia* (see Bederman, p.190).

The forms of Roman treaty-making evolved over time. Bederman notes that the Roman practice was to make a treaty establishing peace and friendship (an *amicitia*) with a 'polity on its periphery' (p.191). Although similar to *philia* in that it was 'a state of diplomatic relations which [could] coexist with an alliance, or exist without it', *amicitia* later became the template for unequal treaties:

... instruments where all the advantages accrued to Rome: the subordinate state was under an obligation to come to Rome's aid upon request, but there was not necessarily a reciprocal duty. In contrast the earlier form of the *foedus*, a perpetual offensive alliance contracted by Rome and a neighbour, came to be disfavoured, and then nearly abandoned altogether. (p.192)

First nation people and Aboriginal nations had used oral treaties to settle land disputes and end conflict and war long before the arrival of the European traders, settlers and colonizers. There is oral evidence of friendship treaties between Pacific nations, such as

Tonga and Samoa in the 15th century, before the arrival of the Europeans (Devere et al 2005, p.26). One of the earliest recorded treaties negotiated between Aboriginal tribes in what was to become Canada is the *Great Law of Peace of the People of the Longhouse* which predates 1450. It was a treaty governing customs and relationships between various tribes, including the Seneca, Mohawk and Cayuga. Passed on orally from generation to generation it was written down for the first time in 1880 (Canada in the making).

Friendship Treaties in the transition from the Middle Ages

Lesaffer (2002) ‘observed that during the Middle Ages *amicitia* was a rare concept in international practice, especially when it concerned relations among princes within the territory of Christian Europe’. (cited in Roshchin 2005) According to Roshchin, from the sixteenth century ‘a relative boom in concluding friendship treaties among European sovereigns started...’ (p.3) Roshchin claims that Thomas More’s *Utopia* (1516) demonstrates how the term of friendship became used to designate relations between political entities, instead of between individuals (p.3). The terminology of ‘friendship’ was used by Thomas Hobbes primarily to refer to the private sphere of relations, but he also uses the word to describe negotiations between ambassadors. However, when writing about political principles Hobbes focused on the antithesis between friend and enemy (p.12). The dichotomy of friend/enemy is the basis too for Carl Schmitt’s later analysis of international relations (Slomp 2007, Korosenyi 2005).

The republican writer, John Milton in 1650, had challenged the antithetical use of ‘friend’ and ‘enemy’ in his political writings, arguing that ‘enmity’ was an ideological concept used to create distance and hostility among strangers. In opposition to the royalist tradition of foreign relations which emphasised the connections between kings and princes, he suggests instead that the concept of ‘friendship’ should be embraced as a way of establishing a ‘mutual bond’ of brotherhood which could include mankind as a whole (cited in Roshchin, p.19). In the *Discourses* of Algernon Sidney (1698), a satirical portrayal of English foreign policy, Sidney refers to Denmark, France and Holland, using the word ‘friends,’ which indicates that there was a convention of using friendship terminology to talk about state relationships (see Roshchin p.20). Edward Coke, the English jurist (1552-1634), drawing upon Roman political practice and law, made a distinction between ‘amity’ and ‘friendship’, preferring to use ‘amity’ to denote public relationships or stranger/other relations (Roshchin, p.8).

Roshchin claims, however, that the republican interpretation of friendship:

... did not manage to impose the standard on international political conduct in the seventeenth century. Instead it was still the royalist tradition of amity among kings that dominated international politics. (p.21)

The *Treaty of Westphalia (1648)*, considered to be the starting point of the modern concept of international relations, was a peace treaty ‘between the Holy Roman Emperor and the King of France and their respective allies.’ It also marks the point when the concept of territorial sovereignty started to replace the individual sovereignty of the king

or queen. There is a clear connection between the ideas of peace and of friendship in the document. The goal of the Treaty was expressed as being the attainment of a ‘Christian and Universal Peace, and a perpetual, true, and sincere Amity...’ (Treaty of Westphalia, Article I) There are references at various points to “Peace and Amity”, “Peace and Friendship” and “reciprocal Amity”.

In Western international relations theory it has been liberalism which has consistently propounded the advantages of friendly, pacific and cooperative relationships between states under a framework of international law. Deudney (2004) describes the ascent of liberal-democratic politics over the last three centuries ‘from utter marginality to their current ascendancy’ as ‘an unmistakably central fact of world politics’ (p.315). Hoffman (cited in Dunne 2005, p.186) has described the ‘essence of liberalism as ‘self-restraint, moderation, compromise and peace and this is mirrored in the different forms of liberal thought. The three major incarnations of liberal theory have been internationalism, idealism and institutionalism, each associated with a particular historical period - respectively the Enlightenment, the inter-war period, and the latter half of the twentieth century.

Internationalism and Friendship Treaties

Doyle (1997, cited in Deudney) traces international liberalism to the neoclassical liberalism of the late 18th century and early 19th century and the ‘democratic peace’ hypothesis to Immanuel Kant. The specter of endemic turmoil and warfare motivated Immanuel Kant to publish in 1795 a plan for “perpetual peace”. Kant identified the lawlessness of states as the primary cause of warfare and proposed a regime which would constrain the actions of states and transform the international system into one based on reason, freedom and justice. As Covell (1998, p.3) puts it:

..it was Kant’s view that while the realization of lasting peace required the submission of men to a lawful form of government within states, since this was necessary for the proper security of the rights of men, the establishing of the lawful form of government within states itself presupposed the acceptance by states of the constraints of law and constitutional order in the international sphere, and, hence, their acceptance of the obligation to act in peace therein through basing their rights in law rather than in mere force or power.

From the early 1600s, treaties were negotiated between indigenous or first nation people and the European powers. For example, agreements between the six-nation Iroquois Confederacy and the thirteen nations which would make up the United States were represented by iron or silver chains that symbolized the binding of a promise. When agreements were re-negotiated the chains would be symbolically polished to show that revisions had taken place. (Canada in the making)

The use of written treaties was one of the legal methods brought by the European powers to their various ‘colonies’. There were two types of treaties negotiated in North America as the British and French competed for control. The first were Peace and Friendship treaties, used mainly to end hostilities and promote cooperation. For example, the *Great*

Peace of 1701 was agreed between 1300 delegates of the Iroquois Confederacy and New France and its allies in Montreal to end almost 100 years of war. Between 1727 and 1779, other colonial governments in what are now New Brunswick, Nova Scotia and the northeastern United States also signed peace agreements with the 'Eastern tribes'. The Peace and Friendship Treaties of North America are now incorporated into the Canadian Constitution of 1982. Section 35 recognizes and affirms existing Aboriginal and treaty rights of the Aboriginal people of Canada, including the peace and friendship treaties.

The second type of treaty signed between 1764 and 1921, was in other parts of Canada such as Vancouver Island, Ontario, and the Northwest Territories. These are the more controversial treaties involving First Nations 'ceding or surrendering their rights' to the land and resources they had traditionally occupied and used 'in exchange for a variety of benefits... such as reserve lands, farming equipment and animals, annual payments, ammunition, clothing and certain rights to hunt and fish.' (Peace and Friendship Treaties).

The first treaty signed by the United States of America was with the French in 1778, and included in the title 'amity'. The *Treaty of Amity and Commerce* (Le *Traité de Commerce et d'Amitié*) was also one of the first to indicate the connections between friendship relationships and trading partners. Article 1 states that 'there shall be a firm, inviolable and universal Peace, and a true and sincere Friendship' between the King of France and the thirteen United State of America. It is a long and detailed treaty concerned with the protecting the 'freedom' of shipping, trading, navigation between the two nations, even in the event of war between the two nations (Article 22). Reflecting the European dominance at the time, the treaty was composed and concluded in the French language, and a translation was available in English.⁴

There were numerous treaties signed in the Pacific. Various powers were competing for trading routes, safe harbours and access to resources as well as aiming to shore up support from the indigenous peoples against other colonizing nations. In New Zealand/Aotearoa, the 1840 Treaty of Waitangi (*te Tiriti o Waitangi*) was a written agreement between the British Crown and the chiefs of a number of Maori tribes concerning sovereignty, rights and land governance. The various versions of the Treaty, both in Maori and English, however, do not make reference to either peace or friendship. Reference to the principles of the Treaty and indigenous rights have since been incorporated into a number of pieces of current New Zealand legislation (Durie 1998, Walker 1990, Sharp 1990).

An example, of naming of agreements as Treaties of Friendship can be seen in the relationship between Britain and the Kingdom of Tonga (formerly known as 'the Friendly Isles' by the Europeans) at the end of the 19th century and into the 20th century. It has

⁴ Unlike English which is unlikely to describe relationships between states using the term 'love', in French the relationship between France and America has been described as 'amour'. E.g 'L'histoire entre la France et l'Amerique a commence bien avant que les colons des treize colonies se sentent americains.'
<http://www.ambafrance-us.org/fr/franceus/histoire1.asp>.

been argued that the Kingdom of Tonga was able to avoid colonization by the European powers due to the constitutional guarantees instituted by the King of Tonga of rights to life, property and equality as well as freedom of expression. In Tonga's case, intervention was not able to be justified on the grounds of bringing enlightenment to an oppressed Pacific nation (Lawson, 1996). Between 1855 and 1886 treaties were signed between Tonga and France, Germany, Britain, and the United States which recognized Tonga's independence.

There has existed a special relationship between Britain and Tonga which has extended into the 21st century. The two Royal families have maintained close contact, so while, Britain recognized Tonga's independence, it also wanted to preserve the status of its 'special relationship' with Tonga. This resulted in a series of Friendship Treaties signed in the names the Crown Heads of both Britain and Tonga, between 1897 and 1968. In effect, the treaties gave Britain exclusive status and control of external relations policy making, in Tonga, up until 1970. The 1879 Treaty, using Treaty of Westphalia terminology, stated that:

there shall be perpetual peace and friendship between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, her heirs and successors, and His Majesty the King of Tonga, his heirs and successors, and between their respective dominions and subjects. (Article I, p.810)

It gave Great Britain jurisdiction over British subjects in Tonga, in exchange for the granting of 'rights, privileges and immunities' for Tongan subjects in British territories as 'subjects of the most favoured nation' (Article II). The 1900 *Treaty of Friendship between Great Britain and Tonga* stated the aim of 'strengthening the relations of amity' and gave Britain access to Tongan harbours in return for British protection from 'any hostile attacks'. (p.814) Both treaties specified this as an exclusive relationship. The 1879 Treaty made clear that His Majesty the King of Tonga would be committed to 'grant to no other Sovereign or State any rights, powers, authority, or privileges in Tonga in excess of those accorded to Her Britannic Majesty.' (Article II, p.810) and in the 1900 Treaty had also to agree that he would have 'no relations of any sort with foreign powers concerning the alienation of any land or any part of his Sovereignty or any demands for monetary compensation'. (Article I, p.814) Further control was assured in the Appendix to the treaty in 1958. Article III (1) states that:

The external relations of the Kingdom of Tonga shall be conducted by and be the responsibility of the Government of the United Kingdom, except in so far as the conduct of such relations may be entrusted by the Government of the United Kingdom to the Government of Her Majesty The Queen of Tonga.

In the 1968 treaty, it was agreed in Article III (3) that 'The Government of Tonga shall consult with and obtain the consent of the Government of the United Kingdom before any legislation is enacted in the Kingdom of Tonga with respect to defence.' It was only a

couple of years later, in 1970, that Tonga finally was released from United Kingdom's responsibility for their external relations in an 'Exchange of Letters'.⁵

Another example of a European power offering protection in exchange for access to harbours and trade is the *Treaty of Friendship between the Marshallese chiefs and the German Empire (1885)* signed at Jaluit, one of the Marshall Islands⁶ on 15 October by the Commander of the cruiser 'Nautilus', acting as the representative of the Emperor of Germany, and the German Consular Administrator as one party, and the Marshallese King Kabua and four chiefs of the Ralik Chain as the other party. The Marshallese agreed not to allow other foreign powers the same facilities and favours; not to pass legislation affecting German companies; and not to enter into any treaties with other powers, 'without permission by His Majesty, the German Emperor' (Article 2). In return, the German Emperor would afford 'His Protection'⁷ so that the Marshallese could 'maintain the independence of the area.' (Article 1) While the English translation of the treaty is entitled a Treaty of Friendship, there is no mention in the text which is written in both German and one of the Marshallese language (Kajin Majol) of 'friendship', unlike the treaty between Tonga and Britain which gives a rationale for the agreement as being based on a relationship of friendship.⁸

The United States was also active in the Pacific, especially in the north. A 'Treaty of Friendship' was signed in Washington, in the English language, in 1849 between the United States of America and the King of the Hawaiian Islands, his heirs and successors. Article I refers to the intention of ensuring 'perpetual peace and amity' between the parties. This long and detailed treaty was primarily an agreement concerning 'reciprocal liberty of commerce and navigation' (Article II). There is reference to freedom of travel, residency and religion for the subjects of the two contracting parties, but 'absolute freedom' is given for 'buyer and seller to bargain together...' and to fix prices' (Article IX).

The long and complex relationship between the British and the Japanese, after Japan's isolationist period, was signaled by a friendship treaty in 1854. The *Anglo-Japanese Friendship Treaty (Nichi-Ei Washin Jooyaku)*. This was followed in 1858 by the *Anglo-Japanese Treaty of Amity and Commerce (Nichi-Ei Shuuku Jooyaku)*, with the wording reflecting similar treaties from the 18th century. While the Japanese translations uses different words to distinguish, as does the English, between 'Friendship' and 'Amity', the

⁵ *Exchange of Letters: Termination of United Kingdom Responsibility for The External Relations of Tonga*, between the Premier of the Kingdom of Tonga to Her Majesty's Commissioner and Consul in Tonga, on 19 May 1970.

⁶ The Marshall Islands are in the Pacific Ocean, south of Hawaii.

⁷ 'Seine Majestat, der deutsche Kaiser, gewahrt Seinen Schutz under dem Vorbehalt aller gesetzmassigen Rechte Dritter.'

⁸ Attempts are still being made to find the original wording of the Treaty title. In relationships between states the words used in German are more often 'gutes Einvernehmen' (perfect amity, harmony) rather than Freundschaft (friendship).

common use of these terms in Japanese would be translated the other way round.⁹ By the 1900s, against a background of ‘burgeoning Japanese imperialism, British commercial interests in China and the Russian occupation of Manchuria... which threatened both’ (Cavendish 2002, p.55), Britain negotiated a series of three alliances with Japan, which have been claimed as numbering among ‘the successful alliances of history’ (Steeds 2002). These were military alliances between two imperial naval powers. However, although none of these treaties were referred to as ‘friendship’ treaties, records of the various diplomatic encounters reveal that friendship terminology was applied during the negotiations (Nish 2002). The first of the Anglo-Japanese alliances was signed in 1902, and the Russo-Japanese War began just over two years later. Britain’s role was that of ‘a loyal and faithful ally’ and the *Entente Cordial* relationship that Britain had had previously with Russia’s ally, France, concluded in 1904. However, the other major powers were anxious to bring this conflict to an end, leading to the Treaty of Portsmouth in August 1905, agreed at almost the same time as the second Anglo-Japanese Alliance. This more aggressive and extensive alliance lasted 10 years. The friendship title in a treaty between the two countries was revived in 1954 in the *Anglo-Japanese Friendship Treaty (Nichi-Ei Washin Jooyaku)* (Steeds 2002).

Idealism and *amphictyoneiai*¹⁰

The 20th century has been described as ‘a century awash with alliances’. Steeds lists the ‘obvious cases’ as including:

The Triple Alliance which began World War One and from which Italy walked away in 1915, the Anglo-French Alliance at the beginning of World War Two, and a number of alliances with East Asian connections, such as the Four Power Pact of 1921, the Berlin-Rome-Tokyo Axis, and the Manilla Pact of 1954.

The onset of the ‘war to end all wars’ in 1914 convinced liberals that peace would have to be cultivated and managed within a carefully constructed order. The mechanism which was seen as most appropriately able to deliver peace and security was an international organization that could regulate inter-state relations and moderate the anarchy of the international system. United States President Woodrow Wilson laid out the blueprint for such an organization in his ‘Fourteen Points’ speech to Congress in January 1918, arguing that ‘a general association of nations’ based on collective security must be formed to build ‘mutual guarantees of political independence and territorial integrity for large and small states alike.’ (Griffiths, 1999, p.97). Hence was born the first of the twentieth century’s two great *amphictyoneiai*, the League of Nations.

The agreement between the Germany and Russia in 1939 over the fifth partition of Polish territory is a well-known example of the cynical use of the diplomatic language of

⁹ *Shuuko* is the more common Japanese word for ‘friendship’, also translated as amity or goodwill, and *washin*, used to translate friendship in the treaty title, is not usually used for ‘friendship’, but is closer to ‘harmony’. See also Devere and Pakenham 2007.

¹⁰ International leagues and organizations.

friendship. The treaty signed between the Government of the German Reich and the Government of the USSR was entitled *The German-Soviet Boundary and Friendship Treaty* and referred to ‘friendly relations’ between their peoples, and the intention to assure to the peoples living in the ‘territories of the former Polish state...a peaceful life in keeping with their national character.’ (preamble).

The period of liberal idealism was short-lived and the failure of the League of Nations to prevent World War II was seen as a major blow to idealist conceptions of world order and government. Nevertheless, it did not prevent the establishment of a similar body premised on collective security, the United Nations, in 1945. As states renegotiated their place in global affairs following the Second World War, a number of the treaties signed included ‘friendship’ in the title while countries re-organised themselves into the two opposing groups of ‘friends’ of the Cold War period.

Institutionalism and Friendship

A confluence of global events (the post-war decolonization project sponsored by the United Nations, the collapse of the Soviet Union and further proliferation of states, the growth of trans-nationalism and non-state actors, and the advent of globalization) has seen in the contemporary world both a significant rise in the number of sovereign territories on the globe and the generation of interlocking, interdependent spheres of interaction and collaboration between states, international organizations, non-governmental organizations and other trans-national actors across a wide spectrum of activities. Institutionalism has become a prominent form of liberalism as the variety of regulatory regimes and institutions have grown and expanded over the last six decades.

The United Nations organization, despite its flaws, remains the most prominent international institution. The Charter of the United Nations is cited in many of the international treaties drawn up after the Second World War. The United Nations Treaty Reference Guide (1999) suggests that attention should be paid to the particular terminology used in treaties. The Reference Guide warns against concluding that:

...the labeling of treaties is haphazard or capricious. The very name may be suggestive of the objective aimed at, or of the accepted limitations of action of the parties to the arrangement. Although the actual intent of the parties can often be derived from the clauses of the treaty itself or from its preamble, the designated term might give a general indication of such intent. A particular treaty term might indicate that the desired objective of the treaty is a higher degree of cooperation than ordinarily aimed at in such instruments. Other terms might indicate that the parties sought to regulate only technical matters. Finally, treaty terminology might be indicative of the relationship of the treaty with a previously or subsequently concluded agreement.

Friendship treaties continue to be signed between the larger powers and smaller nations, between communist states, Asian nations and South American countries. However, from the end of World War II, the word of ‘friendship’ appears rarely in the titles in English of agreements signed between any two Western powers.

The term ‘Treaty of Friendship’ has been used in particular for alliances between the Eastern bloc countries and also between the Soviet Union and the People’s Republic of China. On 14 May, 1955, in response to the perceived threat of ‘a new military alignment in the shape of “Western Europe Union”...and the integration of the latter in the North-Atlantic bloc’, a treaty was drawn up by the so-called ‘peaceable European states’ in order to ‘safeguard their security and in the interests of preserving peace in Europe’ (Preamble). *The Treaty of Friendship, Cooperation and Mutual Assistance between the People’s Republic of Albania, the People’s Republic of Bulgaria, the Hungarian People’s Republic, the German Democratic Republic, the Polish People’s Republic, the Rumanian People’s Republic, the Union of Soviet Socialist Republics and the Czechoslovak Republic 1955* was agreed by the plenipotentiaries of the various East European countries, and permitted, in Article 9, the accession of ‘other states, irrespective of their social and political systems, which express their readiness by participation in the present Treaty to assist in uniting the efforts of the peaceable states in safeguarding the peace and security of the peoples.’ Although the agreement referred to mutual ‘friendship and cooperation’ regarding economic and culture development (Article 8) the main thrust of the treaty is regional security. The Charter of the United Nations is invoked in Article 4 of the Treaty to justify the use of armed force ‘in the event of armed attack in Europe on one or more of the Parties to the Treaty by any state or group of states... in the exercise of rights to individual or collective self-defence.’

The similarly named *1950 Sino-Soviet Treaty of Friendship, Alliance and Mutual Assistance*¹¹ was concluded between the two large powers after negotiations between Mao Zedong and Joseph Stalin. While the treaty did not expire until 1979, relationships between the two nations deteriorated in the late 1950s, resulting in the Sino-Soviet split. The most recent Friendship Treaty signed in 2001 by the Chinese and Russian Presidents, Jian Zemin and Vladimir Putin, is named in English as the *Treaty of Good-Neighborliness and Friendly Cooperation between the People’s Republic of China and the Russian Federation*, ‘in view of the historical tradition of good-neighborliness and friendship between the people of China and Russia...’ (preamble). The focus of this treaty is ‘peace, security and stability’. This Treaty makes several references to the United Nations and the Security Council and also to the intention of upholding international law.’ Article 2 of the Treaty, for example states:

In handling their mutual relations, the contracting parties will neither resort to the use of force; or the threat of force nor take economic and other means to bring pressure to bear against the other. *The contracting parties will only solve their differences through peaceful means by adhering to the provisions of the “United Nations Charter” and the principles and norms of universally recognized international laws.* The contracting parties reaffirm their commitment that they will not be the first to use nuclear weapons against each other nor target strategic nuclear missiles against each other.¹²

In the second half of the 20th Century, the 1969 Vienna Convention on the Law of Treaties (the Vienna Convention) became the key international instrument which deals

¹¹ The Chinese version is named Zhong-Su Youhao Tongmeng Huzhu Taioyue, where the word [CHECK WITH PEILIN and CAN] means friendship.

¹² Our use of italics.

with treaties between states.¹³ The Vienna Convention, which came into force in 1980, codifies much of the customary international law on treaties and also provides a framework for the progressive development of international treaty law which, as the preamble to the Convention asserts, is a ‘means of developing peaceful cooperation among nations, whatever their constitutional and social systems’.

While the United Nations cautioned that the particular terminology in the naming of treaties needed to be carefully scrutinized, the Vienna Convention does not specify in detail the meanings given to the labeling of treaties. Article 2 of the Vienna Convention defines a treaty as ‘an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation.’ There is no privileging of, or preeminence given to, any particular terminology or nomenclature for a treaty.

The international drive for independence from colonization and movement towards nationalism is evident in the region of the Pacific Ocean. The two regional powers of Australia and New Zealand now play a prominent role. Rose (2007) states that ‘patterns of Australian treaty making with South East Asian countries are markedly different to those with South West Pacific countries and the difference is continuing to deepen.’ Treaties with South East Asian nations are mainly bilateral and commercial, whereas treaties in the South West Pacific are plurilateral and concerning ‘natural resources management and development.’ Australia is dominant in economic terms, being the principal export market, import source and aid donor. And according to Rose ‘in terms of international security arrangements and public policy formation’, Australia’s role is ‘capable of being described as hegemonic.’ The only evidence of specific reference to friendship in any of these treaties involving Australia is the ASEAN Treaty – *The Treaty of Amity and Cooperation in South East Asia* which was acceded to by Australia in 2005.

Although Rose claims that ‘New Zealand’s customs, union and relationship with Australia is so intimate’ that it would distort trends analysis if included in his study of ‘Australian treaty making within a broader range of regional countries’, New Zealand plays a quite distinctive role, particularly in the South Pacific. In the late 19th century, New Zealand began to envisage itself as the centre of a South Pacific empire. Several of New Zealand leaders sought to establish protectorates over Fiji, the Solomon Islands and Samoa, despite the fact that these Pacific islands were administered or controlled by Great Britain, Germany or the United States. (Walker 1968, Spenneman 2004) For example Prime Minister Sedden felt that as New Zealand was geographically at the centre of the South Pacific, it must ‘ultimately prove to be the mother colony of all the Islands adjacent’ and, according to Walker ‘the possessions he coveted most were those along the trade routes between New Zealand, Vancouver and San Francisco’ (p.50).

¹³ Treaties can also be entered into by other subjects of international law, such as international organizations, and this is reflected in the Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations 1986. This Convention is not yet in force.

The competition between the major powers and New Zealand's involvement can be illustrated in the case of Samoa. Samoa was *de jure* an independent country, ruled by Samoan chiefs. A Treaty of Friendship concluded in 1879 between the Western Pacific High Commission of Britain and the Samoan government removed British subjects from the jurisdiction of Samoan courts and a 'Municipal Convention' concluded the same year, gave jurisdiction over the Samoan capital, Apia, to a Municipal Council made up of the Counsels of Germany, Great Britain and the USA or their nominees. In 1889, Samoa was established as a tripartite protectorate under these three countries, which also provided provisional government. The following year, part of Samoa was annexed by Germany. Britain renounced its rights to Samoa in favour of Germany and America in 1899, with the German section becoming known as Western Samoa and the rest of Samoa as American Samoa. (World Statesmen, Te Ao Hou). New Zealand, after its disappointment over Britain's decision to withdraw from Samoa, was able to occupy Western Samoa in 1914, and after the war the League of Nations mandate gave trusteeship to New Zealand. In 1947 New Zealand joined Australia, France, the United Kingdom and the United States to form the South Pacific Commission. By the 1960s the United Nations was promoting world-wide a movement towards de-colonization and independence. Trusteeships were considered to be particularly questionable.¹⁴ In the light of these pressures the 1962 *Treaty of Friendship between the Government of New Zealand and the Government of Western Samoa* (Feagaiga Fa'auoo) was signed marking the independence of Western Samoa.¹⁵

The language of friendship is reiterated in this treaty, as in Article I 'Relations between New Zealand and Western Samoa shall continue to be governed by the spirit of close friendship.' The language used in this treaty for describing the relationship between the two governments is the most egalitarian of all the treaties discussed in this paper. The treaty is written both in English and the Samoan language with the 'texts of both languages being equally authentic.' The preamble begins by affirming their relations 'as Governments of sovereign and equal states' founded on respect and fundamental human rights. While the wording of treaties often implies that the parties are equal partners, without acknowledging inequalities in power, the NZ-Samoa treaty gives equal status to the two nations as treaty partners, but also addresses explicitly the inequities in terms of resources, as for example, in Article IV which states that 'the two Governments shall continue to work together to promote the welfare of the people of Western Samoa.'

The emphasis is on consultation on 'matters of mutual interest and concern' and New Zealand acting on Samoa's behalf 'when requested' in international affairs. Unlike most of the other treaties between a larger power and a small Pacific nation, there is nothing about protection in return for having any exclusive access to Samoan ports. It is reported that the Prime Minister of Western Samoa felt that the negotiations were so genuine that he wept.¹⁶

¹⁴ The last trusteeship in the Pacific was Palau which was granted independence in 1994.

¹⁵ The Samoan translates as 'Covenant of Friendship', indicating a very close, almost spiritual, relationship, similar to that between a minister of religion, his village and congregation.

¹⁶ Personal communication with New Zealand's foreign affairs negotiator. [CHECK WITH SIMON]

During the second half of the 20th century, acknowledgement of the independence of the smaller state was often included. For example, the *Treaty of Friendship between the United States of America and the Republic of Kiribati* of 1979 recognized Kiribati's territorial sovereignty. Kiribati, known for a time as the Gilbert Islands, consists of 33 atolls located near the equator. Together with Tuvalu (known as Ellice Islands) Kiribati became a British protectorate in 1892. The United States claimed sovereignty over several of the islands up until 1979 (<http://gaolex.fao.org/docs/texts/bi-67019.doc>). However, there are elements about the 1979 treaty which prioritize American interests. The treaty was written in both the English and Kiribati languages, but English was to be the authentic text. The treaty is primarily concerned about fishing access for the Americans, while encouraging and facilitating 'cooperative arrangements and fishing ventures of mutual interest and benefit.' There is also a clause in Article 2 about consultation and the promotion of 'social and economic development, peace, and security in the Pacific region' which states that 'Any military use by third parties of the islands named in the preamble shall be the subject of such consultation.' And Article 3 concerning facilities constructed on the islands of Canton and Hull, states" 'The Government of Kiribati agrees that these facilities shall not be made available to third parties for military purposes except with the agreement of the Government of the United States.'

By the 1980s there was visible disenchantment in the Pacific region towards the United States. According to Ashbrook's 1986 article in the *Boston Globe*, the two most bitter complaints of Pacific islanders were 'with American fishing policy that has sanctioned intrusion in their 200-mile economic zones by the US tuna fleet and with continued French nuclear weapons testing in French Polynesia'. Ashbrook reported that the Soviet Union was taking advantage of this and several Pacific island nations, including Tonga, Tuvalu, Vanuatu, Papua New Guinea and Fiji were considering Soviet fishing offers, with the Soviet Union reminding the world, in the words of Mikhail Gorbachev that 'the Soviet Union is also an Asian-Pacific country'(p.1). In August 1985, Kiribati 'signed a \$1.5 million fishing deal with the Soviet Union, making it the first of the Pacific's microstates to open its waters to Russian trawlers.' (p.1)

The South Pacific Forum (now known as the Pacific Islands Forum) comprising the independent and self-governing states of the region (including New Zealand) was set up in 1971. New Zealand has played a leading role in encouraging the South Pacific to be semi-aligned. In the words of Helen Clark, New Zealand's Labour Prime Minister, the South Pacific should be 'friendly to the West, yes, but pursuing its own interests.' [PROQUEST DOCUMENT] New Zealand's nuclear-free legislation of 1984 has been followed by declarations of a Nuclear-free Pacific (Wells 1994). Both the United States and Britain have been affected by the lack of access to Pacific harbours for their nuclear-armed war-ships. In an interesting comparison of status, the US Secretary of State, Colin Powell was no longer prepared to describe New Zealand as allies, but instead referred to New Zealand as 'very, very, very close friends' (Television New Zealand 2002).

Discussion and Conclusion.

Friendship is used to represent a wide range of relationships between states and nations. Treaty terminology and classification was at its most precise in the period of the classical Greeks and Romans. The Greeks made distinctions between a number of different forms of alliance and other treaty relationships, reserving the terminology of friendship for specific treaties which did not commit the parties to any form of military assistance. The Roman concept of *amicitia*, containing within it the sense of an unequal relationship between patron and client, was used to inform about the status of relationships governed by treaties. However, when friendship is used in treaties written in the English language, it is used in a general sense, rather than with any precision of meaning. The literature does include reference to historical debate about the use of friendship for private or public relationships, or whether the parties to the treaties are Crown heads or governments, but there is minimal debate about the more recent use of friendship terminology in international relations in the literature. The lack of academic scholarship in the language of friendship for international relations means that there has been little discussion and debate about the significance of the use of this nomenclature in treaty making. It is even more difficult to find information about different cultural understandings of the friendship treaty making process for countries whose language is not English.

This study demonstrates that while treaties have been interchangeably labeled as peace or friendship treaties in some contexts, in the main, peace treaties have signified the end of hostilities between the parties, whereas friendship treaties have been used for agreements about use and development of resources, territorial integrity, access to harbours, trading lanes and fisheries, and promises of cooperation. Unlike the Greek treaties of friendship which were explicitly not about the use of military force, there are some treaties agreeing to some forms of military alliance which have used friendship terminology in their titles. Treaties involving the Eastern bloc countries or China, which include security concerns and coming to the aid of the signatories in the event of armed attack, have used friendship terminology to name these treaties.

Most of the friendship treaties discussed in this paper are based on the idea of utility and are contracts which claim to give mutual benefit to each party, but while there is some reciprocal exchange agreed to, the treaties are not altruistic. Often they are used by the larger powers to make an agreement about the use of the other nations resources, in return for some protection and in these cases, there is often a requirement that the relationship is kept exclusive, ensuring that other competing powers in the region are disadvantaged. The connection between friendship and economic benefit is explicit in some treaties, such as the first treaty signed between the United States and France which includes both 'amity' and 'commerce' in the title.

In most cases, the friendship treaties are not based on equal partnership. This is particularly the case in treaties between aboriginal nations and the colonizers, both in America and in the Pacific. There had been a tradition of oral treaty-making prior to the arrival of the Europeans and some evidence of friendship treaties. However, written treaties formalized, legalized and 'Westernized' the process. Although the terminology

of friendship was not used when treaties involved the surrendering of land or resources, nevertheless, control in the form of jurisdiction, policy-making and foreign relations was forfeited under some friendship treaties, such as those in the Pacific during the 19th and 20th centuries as the major powers of Britain, Germany and the United States were competing for territorial access in the region. Not all treaties are written in the languages of all the parties, and English has often been explicitly prioritized, as in the 1979 friendship treaty between the United States and Kiribati. An exception to this is the treaty between the New Zealand government and the government of Western Samoa where both language versions are given equal status.

While this study is just a beginning, there is nevertheless evidence of tensions between the focus on utility in treaties purporting to be about ‘friendship’, and the Nehruvian concept of friendship and goodwill for peaceful relationships. It is true that for the most part territorial sovereignty was not directly threatened by these friendship treaties, and the language used was non-aggressive. However, the wording of the treaties raises issues about manipulation of the terminology of friendship by the larger powers in order to create an environment of trust, primarily for the benefit of themselves. While promising protection in return for these benefits, the treaties are more subtle ways of accessing resources for commercial exploitation of smaller nations. It is difficult not to come to a cynical conclusion about the use of friendship terminology in international treaty making. With globalization, liberalization and an emphasis on economic and commercial interests, it can be expected that relationships between nations will continue to be utilitarian, with ‘friendship’ being a tool of public relations and spin, rather than diplomacy and peace-building. This cynical use of friendship does not sit easily with the Nehruvian concept of friendship as being a path to peace, goodwill and understanding between states and nations.

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