

SEVENTH EDITION

DIPLOMATIC HANDBOOK

R.G. FELTHAM





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DIPLOMATIC HANDBOOK

Seventh Edition

R. G. Feltham

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Chapter 1 DIPLOMATIC RELATIONS

Introduction

The significance of diplomatic relations

The concept of diplomatic relations

Basic principles

Chapter 2 THE MINISTRY OF FOREIGN AFFAIRS

Organisation and functions

Relations with other ministries

Relations with the European Community

Chapter 3 THE DEPARTMENT OF STATE

General observations and references

The work of the department

Administrative and information systems

External relations and international law



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PREFACE

The aim of this book is to provide a concise but comprehensive source of relevant information for those who are embarking on an international and, particularly, a diplomatic career.

It has been revised with the assistance of diplomats from many countries and members of international organisations, to all of whom I am deeply indebted for their unfailing courtesy and assistance.

I would like to express my particular appreciation to Professor Stanley Martin CVO, JP Sir Robin Fearn KCMG, Ambassador Ahmed Fuzi Director-General, Malaysian Institute of Diplomacy and Foreign Relations, Ambassador Paul Leifer Director, Diplomatic Academy Vienna, Dr Wilhelm Schirmer and Dr Klaus Krüger of the Deutsche Stiftung für Internationale Entwicklung, Drs Henriette Feltham, Jean and Laura Gingras, and Alison Nicol administrator of the Oxford University Foreign Service Programme; and above all to those diplomats whom I have had the privilege of teaching over the past thirty years: they have provided inspiration, enthusiasm and good fellowship, and I am the richer for their company.

I would also like to take this opportunity to point out that the word 'diplomat' in the English language can have either a masculine or feminine connotation, and if at any point in the text it is followed by the masculine personal pronoun it is solely to avoid the tedium of 'he or she': it is not intended to have any other significance.

Rome

R.G.F.

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DIPLOMATIC RELATIONS

INTRODUCTION

It is an exhilarating and at the same time disturbing experience to be living through a period of change unparalleled in recorded history: a transitional stage in the social, political and economic evolution of states and their relations with each other. There is no problem in recognising a revolution when the guns are going off in the streets and the politicians are hanging from the lamp posts, but there is a danger in failing to grasp the extent of the revolution that has overtaken us and of failing to adjust our attitudes, responses and policies accordingly. It could be said that we are witnessing not so much an earthquake of history – a sudden shock followed by tremors and then a return to normality – as an avalanche of history that develops its own momentum and moves inexorably on, sweeping away everything in its path. There are, in fact, three major revolutions of a structural nature that have broken out virtually – in historical perspective – simultaneously.

The revolution that has produced the most immediate and extensive impact has been a *political* one: the collapse of the Soviet Empire which has resulted in the end of a period of potential nuclear war on a global scale; the end of a period of military alliances and military imperatives when diplomats, through no fault of their own, had little opportunity to act effectively; the break-up of Europe's last major conglomerate state and the recognition that a sense of national identity is an inherent human need and a factor essential for social stability; the end of totalitarian rule in Europe and the loss of legitimacy and support for similar systems elsewhere; the end of the two-power world order; the creation of new alliances between states, and the search for a New World Order.

The revolution that is gradually becoming self-evident to the popular mind is the *economic* one. It is beginning to materialise because of its impact on employment, economic migrations and an increasing lack

of responsibility as between international management and national employees. The globalisation of the factors of production has resulted in the reduction of barriers to trade; the creation of a global capital market and the globalisation of entrepreneurship. The chip-based industrial revolution has reorientated and in many instances reduced employment opportunities; the belief in economic socialism and the corporate state has largely disappeared; and preferential trading blocs are being established with little thought for their economic validity or eventual social consequences.

And finally, there is the *communications revolution* which has created a global society. It has helped to internationalise science and business and, through the medium of television, has created a global sense of political awareness; and since the pen – in the long run – is mightier than the sword, it may well prove to be the most profound of the structural revolutions.

In addition there are several major factors contributing to the instability and uncertainty of the present transitional phase of which the most important are: the sudden economic liberation of the Chinese people – one-fifth of the world's population with a strong sense of national identity which provides the basis for a positive foreign policy; the process of unification of the states of Western Europe – a government-led experiment in social engineering which is only now becoming democratic and pan-European; the rise of popular militancy and terrorism; the potentially adverse relationship between the world's resources and the world's population; the threats to the global environment; the ease and speed of the proliferation of weapons of mass destruction; and the apparent incompatibility of peoples with irreconcilable values.

The effect of these changes on the man in the street has, naturally enough, been one of passive acceptance of their immediate consequences for his or her daily life with little thought for their long-term consequences. For diplomats, it calls for analysis of cause and effect, and for logical projection in so far as the limitations of logic are recognised, and the factor 'X' – the unforeseeable – is taken into full consideration; but that has always been the diplomat's task: it will change only to the extent of its complexity. It is also safe to say that there will be no change in the need for diplomats to acquire knowledge of how the world works, professional skills, and relevant personal attributes. Different circumstances will evidently call for different emphasis; but fundamentals are unlikely to change. To understand people and their perceptions is to understand policy; to be 'sympathique' and approachable and to have the ability to explain and clarify is to be able to influence to mutual advantage. Diplomacy will become more complex, more demanding, more professional. It will demand greater omniscience, but not necessarily greater specialisation.

The introduction to the sixth edition of the *Diplomatic Handbook* ended with the words 'we are living at a time when the Old World Order has collapsed and a New World Order is nowhere in sight: our only hope lies in the successful conduct of diplomatic relations.' Those words still apply and, if anything, understate the seriousness and magnitude of the diplomat's responsibilities.

THE ESTABLISHMENT OF DIPLOMATIC RELATIONS AND OF PERMANENT DIPLOMATIC MISSIONS

GENERAL PRINCIPLES AND PURPOSES

Diplomatic relations between states may be established by friendly contacts of any form between their governments; but permanent diplomatic relations are considered to exist only with the establishment of a diplomatic mission, or preferably with the exchange of diplomatic missions. These are established by mutual consent and on the basis of a mutual understanding of the functions that will be undertaken by the mission. These functions have become generally accepted over past centuries, and have been defined in the 1961 Vienna Convention on Diplomatic Relations as consisting, basically, of:

- (a) representing the sending state in the receiving state;
- (b) protecting in the receiving state the interests of the sending state and its nationals, within the limits permitted by international law;
- (c) negotiating with the government of the receiving state;
- (d) ascertaining, by all lawful means, conditions and developments in the receiving state, and reporting thereon to the government of the sending state;
- (e) promoting friendly relations between the sending state and the receiving state, and developing their economic, cultural and scientific relations.

Apart from their diplomatic functions, members of the diplomatic staff of a mission may also act in a consular capacity.

CLASSES OF HEADS OF MISSION

Heads of mission may be of one of three classes depending on the mutual agreement of the governments concerned:

Diplomatic Relations

1. Ambassadors, Apostolic Nuncios, and other heads of mission of equivalent rank (e.g. High Commissioners exchanged between Commonwealth countries) who are accredited to Heads of State.
2. Envoys, Ministers and Papal Internuncios who are accredited to Heads of State. This class is now virtually non-existent.
3. Chargés d'Affaires (*en titre*, *en pied*, or titular) who are accredited to Ministers for Foreign Affairs. This class is also rare.

No differentiation may be made between heads of mission on account of their class, except in matters of precedence and protocol, and in that the right of reception by a Head of State is normally reserved to those of ambassadorial rank.

TITLES OF HEADS OF MISSION

It is usual for an Ambassador to be styled 'Ambassador Extraordinary and Plenipotentiary'. (An Ambassador Extraordinary and Plenipotentiary was at one time superior in status to a resident Ambassador.) Similarly the head of a legation is likely to be styled 'Envoy Extraordinary and Minister Plenipotentiary'.

APPROVAL OF A HEAD OF MISSION BY THE HOST STATE

Before a head of mission is appointed to a post, the approval or *agrément* of the receiving state is sought confidentially. This approval will normally be given, but may be withheld if it is considered that the person concerned is not acceptable and in this event no reason has to be given. In practice, an official (but usually informal) hint of unacceptability would normally be enough for a nomination to be withdrawn.

CREDENTIALS

A head of mission is provided with credentials to prove his authenticity to the Head of State to whom he is accredited. These are alternatively referred to as Letters of Credence and are somewhat ornate in style, e.g.

For Ambassadors

To [full name and title of head of state]

Excellency:

I have appointed X.Y.Z., a distinguished citizen of [name of sending state], to represent me before your Government as Ambassador Extraordinary and Plenipotentiary of [name of sending state].

He is well aware of the mutual interests of our two countries and shares my sincere desire to preserve and enhance the long friendship between us.

My faith in his high character and ability gives me entire confidence that he will carry out his duties in a manner fully acceptable to you.

Accordingly I entrust him to your confidence. I ask that you receive him favourably, and give full credence to what he shall say on the part of [name of sending state] as well as to the assurances which he bears of my best wishes for the prosperity of [name of receiving state].

Yours very truly

[Signature of Head of State]

By the head of state

[Signature of Minister for Foreign Affairs]

[Place]

[Date]

In the Commonwealth the Sovereign is Head of State of sixteen of the member states, and when heads of mission are exchanged between such states they are provided with a *letter of introduction* from Prime Minister to Prime Minister.

When a Head of State who is a sovereign dies or otherwise ceases to reign, the credentials of all heads of mission accredited to the sovereign become invalid; similarly the credentials issued by the sovereign become invalid; and in both instances require renewal. This requirement does not, however, apply in the event of the death of a President or the termination of his period of office, and is no longer effective in the kingdoms of Denmark, Sweden and the Netherlands.

DATE OF ASSUMPTION OF FUNCTIONS

A head of mission of ambassadorial rank is considered to have taken up his functions in the state to which he is accredited when he has presented his credentials to the Head of State. In a few states (notably the UK) he is considered to have taken up his functions when he has notified the appropriate ministry (usually the Ministry of Foreign Affairs) of his arrival and has presented them with a working copy (*copie d'usage*) of his credentials. The ceremonies for the formal acceptance of heads of mission are held strictly in the order that they arrived to take up their functions.

NATIONALITY OF A HEAD OF MISSION

A head of mission will, save in most exceptional circumstances, have the nationality of the state he is representing; but this requirement does not necessarily apply to his spouse. In many diplomatic services officers may be given special permission to marry foreign nationals provided the circumstances and the particular nationality involved are such that they do not in any way jeopardise or interfere with the officer's career. In Arab countries it is the general rule that diplomats may not marry foreigners, though in certain instances the Head of State may authorise marriage to other Arabs.

NATIONALITY OF MEMBERS OF THE DIPLOMATIC STAFF

The members of the diplomatic staff of a mission should in principle be nationals of the state they serve, but in exceptional cases they may be nationals of the state in which the mission is situated; in this event, the specific approval of the host state must be obtained, and it may be withdrawn at any time. Such diplomats will enjoy only limited privileges and immunities (see p. 48).

ACCREDITATION TO MORE THAN ONE STATE

A head of mission may be accredited (and members of the diplomatic staff assigned) to more than one state, provided there is no objection on the part of any of the states concerned. In the event of such an arrangement, *Chargés d'Affaires ad interim* (or in certain circumstances members of the diplomatic staff of lesser standing) may be established in diplomatic missions in those capitals where the head of mission does not have his permanent seat.

INTERNATIONAL ORGANISATIONS: ACCREDITATION OF HEADS OF MISSION

A head of mission (or any member of the diplomatic staff of his mission) may act as representative of his state to any international organisation, and in this instance the state to which he is accredited need not be informed, nor may it raise any objection.

THE SEAT OF A DIPLOMATIC MISSION

A diplomatic mission is established in the capital of a state; additional offices forming part of the mission may only be established in other parts of the state if special permission is given by that state. In a few instances, e.g. the Netherlands, the diplomatic capital (The Hague) is different from the capital of the country (Amsterdam).

THE SIZE OF A MISSION

The size of diplomatic missions may be agreed on a reciprocal basis; alternatively a state may require that the number of members of a mission should be kept within reasonable limits taking into consideration the circumstances and conditions in the host state and the needs of the mission. Within such limits, and provided that the principle of representation by its own nationals is adhered to, a state should be free to appoint whomsoever it wishes to any of its diplomatic missions. In the case of military, naval and air attachés it is within the discretion of the Ministry of Foreign Affairs to require their names to be submitted in advance, and for approval to be obtained before any appointment is made. A state may also refuse to accept officials of a particular category, provided that the restriction is applied on a non-discriminatory basis to all diplomatic missions in the state.

ACCREDITATION BY MORE THAN ONE STATE

Two or more states may, in exceptional circumstances, accredit the same person as head of mission to another state, unless objection is raised by the receiving state.

DECLARATION OF 'PERSONA NON GRATA' OR 'NON-ACCEPTABLE'

A state has the right to declare a head of a mission or member of his diplomatic staff to be unacceptable (*persona non grata*) and to inform his government accordingly. In this event the diplomat's functions are terminated and he is (unless a national or permanent resident of the state in which he is serving) recalled. If his government takes no such step, the host state may refuse to recognise him as being a member of the mission. The declaration of *persona non grata* may be made either before or after the diplomat's arrival, and no reasons for it have to be given.

Similarly, members of the administrative and technical staff may be declared *non-acceptable*.

There are two principal grounds on which a diplomat may be declared *persona non grata*: those which spring from personal weakness, and result in criminal or antisocial behaviour; and deliberate acts hostile to the security or other interests of the state, carried out under the cloak of diplomatic immunity. A further possible pretext for a diplomat being so declared is as a retaliation against a state that has declared one of its own diplomats to be *persona non grata*; but although such practice is contrary to the spirit of international relations, it is regrettably not infrequent.

OBLIGATIONS ACCEPTED BY A HOST STATE

By agreeing to the establishment of a permanent diplomatic mission a state implicitly accepts certain obligations: it must provide such facilities and immunity as will enable the mission to function satisfactorily, and it must grant to those who work in the mission the personal privileges and immunities necessary for them to carry out their functions without fear or hindrance. These obligations are set out in Chapter 5 dealing with 'Diplomatic privileges and immunities'.

THE CONDUCT OF DIPLOMATIC RELATIONS IN THE ABSENCE OF A FULL DIPLOMATIC MISSION OR WHEN DIPLOMATIC RELATIONS HAVE BEEN SEVERED

No state maintains a diplomatic mission in every capital in the world; most have to be selective, and balance their national interest against the cost involved. The problem of not having full diplomatic representation in a particular state can be resolved in any of four ways:

- (a) by requesting a government which is represented by a permanent mission in the state concerned to act on its behalf, which it may do with the approval of that state. In these circumstances the head of the permanent mission would normally limit his activities to transmitting messages between the two governments concerned and dealing with consular matters; and if any conflict arose between the interests of his own government and those of the foreign government on whose behalf he was acting, the interests of his own government would prevail;
- (b) by accrediting one of its heads of mission resident in another state as a non-resident or 'visiting' head of mission in the state concerned;

- (c) by establishing a diplomatic mission headed by a duly accredited non-resident head of mission, but with a *Chargé d'Affaires ad interim* in charge. In practice, owing to the difficulty encountered by several states in finding adequate senior diplomatic staff for the posts they wish to fill, it is not uncommon for a host state to agree to such a mission being headed by a diplomat of lesser standing;
- (d) by accrediting a very senior official (e.g. the Permanent Secretary of the Foreign Ministry) as a non-resident or 'visiting' head of mission in a number of states while maintaining his residence in his own capital.

In certain instances diplomatic missions may be withdrawn as a result of mutual agreement between the states concerned, for example on the grounds that changed circumstances have resulted in the missions being unnecessary or uneconomic. Missions may also be withdrawn as a deliberate act of foreign policy, and in the days of straightforward gunboat diplomacy the withdrawal of a mission with the consequent breaking off of diplomatic relations was a logical prelude to war; in practice, the threat of such action by a big power was usually sufficient to convince the smaller power that it was time that it reviewed its foreign policy. Today this manoeuvre is occasionally used, not so much as a threat but as a protest; but as such its effect is limited, and usually disproportionate to the inconvenience that it causes to all concerned.

Even when a mission is withdrawn and diplomatic relations formally broken off, contacts are rarely terminated: the states of the world are to an increasing extent interdependent, and diplomatic relations frequently carry on in varying degrees as before, but (provided the host state has no objection) through the intermediary or 'good offices' of a state that is represented by a permanent mission in that country. In some cases only the head of the mission leaves, usually 'for consultation', and returns within a short space of time. In more serious circumstances the head of mission and the majority of the staff depart, leaving behind a token 'Interests Section' as part of the mission of a protecting power which looks after the interests of their country. They retain their personal diplomatic privileges and immunities, communicate with their government under privilege in the name of the 'protecting' power, and continue to function normally except that they may not fly their national flag or display their national emblem on their official premises. If they display a flag or emblem it will be that of the 'protecting' power.

THE MINISTRY OF FOREIGN AFFAIRS

ORGANISATION AND FUNCTIONS

The governments of all states include among their members one who is responsible for relations with other states and with international organisations. The extent of his personal responsibility varies from country to country, as does his title: Minister for Foreign Affairs, Secretary of State (USA), Secretary of State for Foreign and Commonwealth Affairs (UK), etc. The Minister's executive function is to implement the foreign policy of his government, and to manage its international relations. This he does with the help of the permanent staff of his Ministry and the heads of his own missions abroad, and through the intermediary of the heads of foreign missions accredited to his state.

The composition of Ministries varies considerably from country to country, but on the basis of the functions that they perform might be divided into the following sections, and grouped according to convenience:

Political Affairs – usually subdivided into regional departments, e.g. Latin America, Australasia.

The United Nations – including the provision of directives or 'briefs'.

Other international and regional organisations – including inter-departmental coordination and the provision of non-technical briefs.

Treaties – this section works in close relations with the legal department.

Legal – a separate department in the larger states; it normally deals with all international instruments and all questions of international law. Smaller countries may appoint part-time professional or academic advisers or obtain advice from a general Ministry of Justice. The legal department may advise both in matters of home and foreign affairs. In certain states a Department of International Law exists as a separate entity from the Legal Department, the latter concerning

itself with legal assistance, frontier problems, nationality law, national property abroad, etc.

Protocol – responsibility for all personal dealings with heads of foreign missions on such matters as privileges, immunities and formalities; also for the organisation of conferences, reception of visitors, etc.

Trade and economic relations

Cultural relations

Disarmament

Press, Media and Information

Scientific

Personnel

Commodities

Consular relations

Administration, communications and security

Archives and library

When a country maintains close international relations on a wide variety of matters of national concern its Ministry of Foreign Affairs would be overloaded and even technically out of its depth if it were to try to maintain a close control over the negotiations concerned. An example of this situation is the relationship between the countries of Western Europe, where matters of defence, social welfare, health, economic relations, etc., are of close mutual concern, and policies are constantly under discussion and negotiation between the departmental experts rather than through the traditional channels of the Ministry of Foreign Affairs. But although a Ministry of Foreign Affairs may in many instances relinquish immediate responsibility to other departments, it has an essential coordinating function and must always remain responsible for background information, political advice, personal relationships and follow-up; and it must always be in a position to step in and take action, or at least make recommendations, if it considers that a particular department, in pursuing its particular interest, is in danger of losing sight of the national interest as a whole.

RELATIONS WITH ITS OWN MISSIONS

The prime responsibility of a head of mission is to carry out the instructions of his Ministry and to report back to it the information that he is asked to provide. He is, however, expected to use his initiative in recommending the policy that he thinks his government should adopt, and also in reporting back information that he personally considers significant, whether he has been asked to do so or not. The relationship

The Ministry of Foreign Affairs

between Ministry and heads of mission is thus very much a matter of give and take, and the extent to which the Ministry or the mission dominates in the shaping of policy varies from country to country and in accordance with the national requirements and resources. Modern technology now helps Ministry and mission to keep in almost instantaneous contact, thus fusing their contributions to the formulation of policy.

If policy decisions are reached essentially within the Ministry and the task of the head of mission is mainly that of implementing them, emphasis in terms of numbers of staff (and often ability) is likely to be placed on the Ministry, leaving fewer to serve abroad; but if policy-making is to be influenced strongly by the advice of the heads of mission, then the staff of the Ministry need be relatively few, and the overseas posts may be strongly manned. Staff distribution policy will also determine the length of time that diplomats serve abroad compared with the time that they spend at home, and there is a marked contrast not only between the policies of different countries but also between types of officers: for example, a commercial or press attaché for whom wide local contacts are essential might be of greatest value if his stay in a country were five years or longer, while for an embassy secretary the standard period might be three or four.

The arguments in favour of a diplomat remaining in a post for a lengthy period are:

- (a) he – or of course she – (and his/her family) need time to settle down domestically before he can really concentrate on his work;
- (b) he will have an adequate opportunity of getting to know and understand the country in which he is serving – its language, history, politics and national temperament;
- (c) he will have time to make personal contacts and friendships;
- (d) there will be a saving for the government of expense on travel and costs of transfer.

① The main disadvantage is that he may become emotionally involved in the problems of the country in which he is living and serving, and so be unable to act and advise his own government in a detached and realistic manner. Also he is liable to find himself out of touch with sentiment and events in his home country.

② The head of the personnel department has one of the most important tasks in the Ministry, deciding whom to send where and for how long. A diplomat is subject to a wide variety of pressures in different posts abroad, and some can cope with particular circumstances better than others: a posting that suits his temperament and personality is in many ways as important as one that suits his ability.

RELATIONS WITH FOREIGN MISSIONS

The Ministry of Foreign Affairs (or its equivalent) is the channel through which all representations should be made to a government by another state, its diplomatic representative or an international organisation. If the enquiry is of an essentially technical or routine nature the Ministry may authorise the appropriate technical department to carry on further correspondence direct with the mission or organisation concerned; but the initial approach and all matters of substance are traditionally addressed to the Ministry.

In practice, with the great increase in the scope and extent of international cooperation since the establishment of the United Nations and regional economic and political groupings, there has been a tendency for home government departments to assume even greater responsibility for international negotiations within their particular field.

When a Minister for Foreign Affairs assumes office he writes to all the diplomatic representatives of foreign states and informs them accordingly, and subsequently arranges for each of them to call on him or (in a large capital) for a reception at which he can meet them. When he relinquishes the post he also advises them accordingly and gives them the name of his successor. In addition, the Minister informs the diplomatic representatives of his own country abroad of such moves.

The head of a diplomatic mission (unless he is a *Chargé d'Affaires en titre*) is the representative of one Head of State to another; and although it is no longer practical for him to claim the right of access to the Head of State, or, in many countries, to the head of government, he has by custom and courtesy the right of access to the Minister for Foreign Affairs at any time in order to discuss matters of major concern between the two countries. Dealings of a routine matter, however, are normally carried out between the head of mission or a member of the diplomatic staff of the mission and the appropriate official in the Ministry of Foreign Affairs.

When a Minister for Foreign Affairs wishes to convey a message to another government he has two possible means of communication: (1) through his country's own diplomatic representative in the foreign country concerned; or (2) through that country's representative to the Minister's own government. (Since any government is the instrument of the Head of State, a head of mission may correctly be said to be the representative of one government to another.) Generally speaking a government makes formal approaches through its own representative abroad, but formal protests are often made to the foreign representative

who is perhaps more immediately available; effectiveness being the obvious key to the choice of method. Sometimes both are used at the same time. By summoning a head of mission and speaking directly person-to-person, a Minister for Foreign Affairs can doubtless stress the extent of his displeasure when asking for a clarification, particularly if the time chosen for the summons is known to coincide with the diplomat's breakfast or golf.

RELATIONS WITH THE DIPLOMATIC CORPS

Matters concerning the Diplomatic Corps in its entirety and the government of the state to which its members are accredited or assigned are dealt with by the senior head of mission (who is known as the Doyen) and the appropriate minister or chief of the Department of Protocol. The term 'Doyen' of the Corps Diplomatique might reasonably be transposed to 'Dean of the Diplomatic Body'; but common usage among English speakers is 'Dean of the Diplomatic Corps'.

In determining the appointment of the Dean or Doyen, the seniority of a head of mission is based on the length of time that he has continuously held his appointment at that post. In certain countries (especially in Latin America) the Apostolic Nuncio is always Dean; and the practice is not uncommon, especially in Latin America, for special provision to be made for Armed Services attachés by the appointment of protocol officers in the Ministry of Defence.

THE DIPLOMATIC MISSION

GENERAL OBSERVATIONS AND DEFINITIONS

A diplomatic mission consists of a diplomatic representative duly nominated by one state and accepted by another, together with his staff and established in the diplomatic capital of the state. As far as the receiving state is concerned there is only one person who may represent another state, and he is head (or acting head) of that mission who, as such, is entirely responsible for its activities; his staff, strictly speaking, have no direct representative function and merely assist their head.

The terminology of diplomacy is often obscure and misleading, and the 1961 Vienna Convention on Diplomatic Relations usefully defined the staff of a diplomatic mission (with the French expression in brackets) as follows:

- (a) The 'head of the mission' (*chef de mission*) is the person charged by the sending state with the duty of acting in that capacity;
- (b) the 'members of the mission' (*membres de la mission*) are the head of the mission and the members of the staff of the mission;
- (c) the 'members of the staff of the mission' (*membres du personnel de la mission*) are the members of the diplomatic staff, of the administrative and technical staff and of the service staff of the mission;
- (d) the 'members of the diplomatic staff' (*membres du personnel diplomatique*) are the members of the staff of the mission having diplomatic rank;
- (e) a 'diplomatic agent' (*agent diplomatique*) is the head of the mission or a member of the diplomatic staff of the mission;
- (f) a 'member of the administrative and technical staff' (*membre du personnel administratif et technique*) is a member of the staff of the mission employed in the administrative or technical service of the mission;

The Diplomatic Mission

- (g) a 'member of the service staff' (*membre du personnel de service*) is a member of the staff of the mission in the domestic service of the mission;
- (h) a 'private servant' (*domestique privé*) is a person who is in the domestic service of a member of the mission and who is not an employee of the sending state.

The term 'diplomatic agent', which formerly referred only to the head of a mission, now includes the members of the diplomatic staff of the mission; and 'the members of the diplomatic staff' are not only members of a diplomatic service, but also attachés, advisers and members of other ministries, provided that they hold diplomatic rank.

The term 'diplomatic rank' is not defined, but is used in this context to describe the range of appointments in a diplomatic mission which by tradition entitle the holders to full diplomatic privileges and immunities; and although the term 'diplomatic agent' is the correct word to describe the head of mission and members of the diplomatic staff of a mission, the commonly accepted (though less precise) terminology is 'diplomat'.

The functions of a mission are reflected in its structure, and the following pattern remains valid even if, as may happen in some instances, they are all performed by a single person.

THE HEAD OF MISSION

The head of mission is responsible for all matters connected with his mission. He may, and does, delegate various functions to his staff, but he alone is responsible both to his own government and to the government to which he is accredited for the conduct of the mission.

Irrespective of the size of his staff there are certain basic priorities to which a head of mission normally devotes his personal attention:

- (a) the formulation of diplomatic policy;
- (b) transmitting to the host government the views of his own government on important matters of common interest and common policy, and acting as the channel of communication between the two in such matters;
- (c) reporting to his Ministry on events of political or economic significance, whether they are of direct significance (e.g. the national budget or ministerial changes) or of indirect significance (e.g. changes and trends in social or economic conditions), and commenting on the views of third parties in the country (e.g. articles from the local press, opinions of other diplomats);
- (d) being aware of the people of influence and the sources of national power in the state in which he is serving;

- (e) conducting himself in his official and personal behaviour in such a way as to bring credit to his country;
- (f) cultivating as wide and as varied a circle of friends as is possible in order to be able to fulfil (a), (c), (d) and (e) above.

The formulation of the diplomatic policy of a mission is a major responsibility of the head of mission, and in this he is assisted by his principal advisers – the heads of the various sections of his mission. The diplomatic policy of a mission can best be defined as the positive attitude adopted towards all matters relating to intercourse between the head of mission's own state and the one to which he is accredited. It is the product of political judgment, political sense and political wisdom, and is based on an intimate knowledge and understanding of the people and governments of the two states concerned. It may take the form of the head of mission recommending policies to his own government or seeking clarification of their instructions and suggesting a different line of approach; or alternatively suggesting to the government to which he is accredited that a communication that they have instructed him to refer to his government should be reconsidered. It is reflected in the advice given to visiting politicians or businessmen on how to approach people or problems, and is the function that differentiates a diplomatic mission from a post office.

ADMINISTRATION AND COORDINATION

In most diplomatic services a single officer (the Deputy Head of Mission) is responsible for the coordination of the political and economic activities of the mission and the oversight of the administration of the mission. He or she ensures that the various sections of the mission are properly coordinated; that the staff is properly organised and contented; and that communications and the premises of the mission are secure and adequately maintained. The welfare of his staff is a matter of particular concern, for the younger members and those who do not enjoy the privileges of being members of the diplomatic staff may find themselves subject to loneliness and its related ills.

One of the administration's more important duties is to compile and keep up to date files containing all the items of local information that an incoming head of mission or member of the staff might want to know.

Such files would normally include:

- (a) The organisation of the Ministry of Foreign Affairs of the host state and any other departments or institutions with which the mission deals; which section deals with which matters; how to obtain an interview, whom to approach (and whom to avoid);

- (b) a short account of recent local history;
- (c) a 'Post Report' containing matters of domestic interest to members of the staff; medical, dental, travel and sporting facilities; climate; housing; domestic help; schools; churches, etc. (this would normally be sent to the Personnel Department at home for the briefing of future members of the mission);
- (d) a list of personalities which would include distinguished or up-and-coming persons of influence in the political, media, military, administrative, industrial, commercial, academic and social sphere.

With such information at his disposal an incoming head of mission can quickly grasp the local situation and find his way around. In particular he can know straight away who is significant in relation to his country's interests; social blunders can be avoided, and entertaining (*q.v.*) greatly facilitated.

COMMERCIAL AND ECONOMICS SECTION

Economic and commercial work play an increasingly important part in the functions of a mission.

Economic work focuses on analysing the economic and financial policy of the host government, assessing its effects on other domestic and external policies, predicting future trends and reporting (and as necessary negotiating) on economic issues affecting the bilateral relationship. While this involves the collection and analysis of relevant statistics, it also requires a wide range of contacts in the relevant Ministries and in the banking and financial sector. With the aid of modern technology, statistics can quickly be available to a diplomat's own government: but it is the diplomat's job, following events and picking up information on the spot, to understand the facts behind the figures and thus determine their relevance and significance.

The commercial element is concerned with two separate functions: trade and investment promotion, and trade policy. Trade promotion is self-explanatory and involves a high degree of personal communication skills, dealing with both one's own exporters and potential importers. Diplomats must be prepared to assist visiting businessmen to find their way around, to reply to specific queries and generally provide background information that will enable them to assess the local market and contact the right people. It also involves up-to-date knowledge of markets, how they are structured and who operates them; a close watch on the calling for tenders as well as a keen eye for promotional opportunities.

Trade policy relates to an understanding of the host government's legislation and attitude to commercial relations, and is of increasing

significance in view of the trend towards the creation of regional preferential trading areas as governments search for a solution to the problems raised by unemployment and the globalisation of the factors of production. While concentrating on their own country's interests, which is their prime concern, diplomats will also deal with enquiries in the opposite sense from local businessmen, and these they will do their best to satisfy in the interests of good bilateral relations.

Negotiations on the sale of weapons are in many cases conducted through Defence Attachés rather than the Commercial Section. Where important contracts with the host government are concerned – of weapons or other manufactures – the head of mission may play a key role in exerting diplomatic pressure in appropriate quarters.

SECRETARIAL AND ARCHIVES

Members of the secretarial and archives staff who deal with confidential matters are normally of the same nationality as the mission, though non-political sections (e.g. cultural or commercial) may employ local residents provided that they maintain a separate secretarial and archival section. The maintenance of an efficient and well-indexed system of records is a time-consuming occupation, but one of fundamental importance.

SECURITY

The task of the security staff is to ensure that the premises of the mission are not entered unlawfully; that persons entering the building on business are not able to obtain confidential information; and that access to computers, files and documents is restricted to those so entitled. The security staff are preferably of the same nationality as the mission.

TECHNICAL AND COMMUNICATIONS

The technical staff are primarily concerned with communications. They are required to encode and decode, encypher and decypher, and operate and, when necessary, repair wireless transmitters and receivers (in those missions that have been granted permission by the host government to use this means of communication), fax machines, encoding and decoding equipment, etc. Their work is of a confidential nature and they are invariably of the same nationality as the mission.

LOCAL STAFF

Local staff are employed for non-confidential duties as part of the administrative and secretarial staff. They can be of immense value on account of their continuity of service and their knowledge of local customs, politics and personalities. They are commonly employed in the commercial, consular and information sections and as translators.

ACCOUNTS

Accounts are unavoidable, and, if neglected, can cause more trouble than all the rest of the functions of the mission put together; a competent book-keeper (usually local staff) is employed where circumstances permit. A good accounting system has the advantage of enabling local bills to be settled promptly; failure to do so often resulting in ill-will that can undo much of the good relations established by the mission.

CONSULAR SECTION

A consular office in a capital city normally comes directly under the control of the head of the diplomatic mission, and often occupies part of the premises of the mission; it is, however, in some respects a separate entity governed by its own regulations. Its functions and organisation are dealt with in a subsequent chapter.

PRESS, MEDIA AND INFORMATION SECTION

The member of the staff in charge of the Press, Media and Information section has to know what makes news in a particular country and who, locally, makes it, so that he may provide information concerning his country to the maximum effect. Apart from maintaining good relations with the producers of instant publicity – the press, radio and television – a press officer often finds it advantageous to circulate a news-sheet to persons who are known to be interested in and sympathetic to his country. He will usually need the services of a translator (local staff), for an article will only be acceptable if it is written in the language and idiom of the country in which it has to be used. Ministries will allocate priorities as between *Press Relations*, *Media Presentation* and *Information Services* according to circumstances.

SERVICE AND SPECIALIST ATTACHÉS

Until quite recently there was a clear distinction between a career diplomat, who concerned himself with political relations, and an attaché, whose interests were limited to a particular field. The former was a member of the diplomatic service and in practice a link between his own Ministry of Foreign Affairs and that of the state to which he was accredited or assigned; the latter was a member of a different government department, and while coming under the auspices and control of the head of mission was primarily serving the interests of his own department. With the growing number of specialist personnel now needed in large diplomatic missions, however, the distinction between the two categories has lessened, and specialists in, for example, legal or labour matters may be either attachés or secretaries on the diplomatic staff. Whatever their function, it is essential that their work should be closely coordinated with that of the mission as a whole.

ARMED SERVICES ATTACHÉS

Armed Services attachés are normally regular members of the Armed Forces who are attached to a diplomatic mission for a limited period of time. One of the major functions of a Military, Naval or Air Force attaché is to report on developments in his particular field of interest to his particular branch of the services either directly or, in important matters, through his head of mission. He can, in certain instances, help with the purchase or sale of war materials, and in most countries will be invited to take part in military exercises.

CULTURAL AND EDUCATIONAL ATTACHÉS

Cultural agreements were at one time the last resort of governments which could find nothing else to agree upon. Today the work of the cultural attaché can be of great value in fostering understanding and goodwill between states by arranging exchange visits of professional or occupational groups, or visits of world-class artists, by the award of scholarships, and by facilitating the study of his national language. It is sometimes the practice to appoint as attaché a person eminent in the field of a particular cultural activity; but in such instances it is also the practice to appoint a good administrator as his assistant. In some instances separate cultural and educational attachés are appointed.

OTHER ATTACHÉS

The range of possible attachés is limited only by the interest of the states appointing them and the willingness of the states receiving them. Their titles are indicative of their function, and include: Labour, Agriculture, Fisheries, Scientific, Industrial, Civil Aviation, Public Relations, Recruitment, Tourism, Legal, Immigration, Shipping and Timber. Chaplains are an important member of certain missions, who may be members of the diplomatic staff and enjoy diplomatic status.

ABSENCE OR INDISPOSITION OF A HEAD OF MISSION

If a head of mission is absent or otherwise unable to perform his functions (e.g. through serious illness), or if the post of head of mission is vacant, a member of the diplomatic staff of the mission (usually the next senior) will fill the post as *Chargé d'Affaires ad interim*. In these circumstances the head of mission or his Ministry informs the appropriate authorities of the host state of the change, and advises them when the head of mission resumes his functions. If no member of the diplomatic staff is available to take charge during the absence of a head of mission, a member of the administrative or technical staff may, with the approval of the host state, be appointed by his government to take charge of the current administrative business of the mission. If a *Chargé d'Affaires ad interim* is unable to continue his functions, he may not appoint a *Chargé* in his place: this can only be done by his Ministry of Foreign Affairs.

APPOINTMENTS, ARRIVALS AND DEPARTURES

NOTIFICATION OF APPOINTMENTS

Although it is only the appointment of heads of mission and frequently that of Military, Naval or Air Attachés that require the formal approval of the host state in advance, all other appointments of diplomatic staff must be notified to the Ministry of Foreign Affairs at the earliest opportunity.

NOTIFICATION OF ARRIVALS AND DEPARTURES

The head of a mission should, where possible, advise the Protocol Department of the Ministry of Foreign Affairs well in advance of the date, place and time of the intended arrival or final departure of any

member of the staff of the mission or of their families. In addition, in some countries it is the practice to provide the Consular Department of the Ministry with details of the engagement or discharge of any residents or nationals of the country in which the mission is situated.

PROCEDURE ON ARRIVAL

On arrival at his post to take up his duties, a head of mission will be met by the Chief of Protocol (or his representative). This will not, however, be the case in the event of his arrival coinciding with a national or religious holiday or (in an increasing number of countries) over a weekend or very early or very late in the day. He immediately informs the Minister for Foreign Affairs (as well, of course, as informing his own Minister) that he has arrived, and requests an appointment so that he may call on him and, according to the practice in a number of countries, present him with a copy of his credentials.

In the UK, for example, an Ambassador would do this by handing to the Chief of Protocol, when he calls on him or her very soon after arrival, a letter, addressed to the Secretary of State for Foreign and Commonwealth Affairs, on the following lines.

Sir/Madam,

I have the honour to inform you of my arrival in London on [date] in order to take up my duties as Ambassador of to the Court of St. James's.

I should appreciate it if arrangements could be made for me to call on the appropriate Ministers and senior officials of the Foreign and Commonwealth Office and, in due course, for me to have an Audience with Her Majesty the Queen for the presentation of my credentials the Working Copies of which I shall deliver [or] which have already been sent to your department.

With the assurance of my highest consideration,

I have the honour to be, Sir/Madam,

Your obedient Servant,

[Usual signature of Ambassador]

The Rt Hon.,

Secretary of State for Foreign and Commonwealth Affairs,

Foreign and Commonwealth Office,

London

According to UK practice the receipt of the working copy of the Ambassador's credentials (and of his predecessor's letter of recall where appropriate), together with the letter announcing his arrival, constitute the formal assumption of his duties.

If the head of mission holds the rank of *Chargé d’Affaires en titre* he will be accredited to the Minister for Foreign Affairs and will deliver to him his letter of appointment; but assuming, as is likely to be the case nowadays, that he holds the rank of Ambassador, his next call will be a ceremonial one on the Head of State (to present the original of his credentials), arrangements for which will usually be made through the head of the Department of Protocol. If it is the practice to deliver a formal speech at this audience, he should ensure that the Minister for Foreign Affairs has a copy of it in advance.

The procedure adopted by a state for the reception of a particular class of head of mission (i.e. Ambassador, Minister or *Chargé d’Affaires*) must be uniform in all cases.

Once a head of mission has officially assumed his functions he advises the Dean (*Doyen*) of the Diplomatic Corps and other heads of mission accordingly, and proceeds to call on them in accordance with the diplomatic protocol.

In a city of considerable diplomatic activity such as, for example, London, where the number of diplomatic missions has trebled in the past thirty years, the traditional practice for newly arrived heads of mission has been adapted to present-day circumstances. After paying courtesy calls on Ministers and senior officials of the Foreign and Commonwealth Office (usually within a week or ten days of arrival), heads of mission call on the *Doyen* of the Diplomatic Corps, a selected number of their fellow heads of mission (chosen, in order of seniority, according to the political interests and geographical position of the newcomer’s country), and on prominent figures in British life of their own choosing. Because a new head of mission has entered *fully* on his functions by presenting to the FCO, shortly after his arrival, the working copies of his credentials, his call on the Queen to present the credentials themselves is in the nature of a symbolic last act of the arrival procedure rather than (as in many other countries) an essential first act. Because of the Queen’s absence from London, it can sometimes be a month or so before a new head of mission presents his credentials, but meanwhile he can, quite properly, circulate a note to other missions announcing his arrival and assumption of functions.

If a head of mission is replacing a colleague (as opposed to opening up a mission) he ensures that the appropriate procedure has been carried out with regard to his predecessor’s *letter of recall*.

PROCEDURE ON DEPARTURE

Shortly before a head of mission relinquishes his or her post (except in the event of his recall having been requested by the host state) he sends a note announcing his recall to the Minister for Foreign Affairs and asks for an audience with the Head of State. This farewell audience is

a private one and the departing head of mission may take the opportunity of presenting his letter of recall. It is the normal practice nowadays, however, to combine an outgoing head of mission's letter of recall (a formal document signed by the Head of State) with his successor's letter of credence.

A departing head of mission writes to the Dean of the Diplomatic Corps and to other heads of mission and informs them that he is leaving, e.g.

Your Excellency (or Monsieur le Chargé d'Affaires),
I have the honour to inform Your Excellency (you) that I shall be leaving [place] on [date],
on the termination of my mission.

Until the arrival of my successor, the direction of this Embassy will be assumed by Mr Counsellor [e.g.] of this Embassy, as Chargé d'Affaires *ad interim*.

I should like to take this opportunity to express to Your Excellency (you) my sincere gratitude for your cooperation which has contributed to the good relations, both official and personal, which so happily exist between our two countries and our two missions.

Please accept, Your Excellency (Monsieur le Chargé d'Affaires), the assurance of my highest (high) esteem.

Ambassador's name

His Excellency, etc.
or Mr, Chargé d'Affaires, etc.)

The head of mission's diplomatic functions come to an end either when he leaves the country or on an earlier date if this is specified in his note announcing his recall. (If he does not leave on the date specified it is customary for him, together with his family, to be allowed full privileges and immunities for a reasonable period until his departure.) He is normally seen off at his point of departure by a representative of the Department of Protocol.

THE DIPLOMAT

The diplomat needs to acquire all the normal attributes of his compatriots who are successful businessmen, administrators or civil servants, but he is a specialist in that he needs an added dimension: he must understand other countries, other cultures and other societies, and know what makes them tick. He must like people, and be genuinely interested in them.

He needs specialist knowledge, professional skills and personal qualities, which may be summarised as follows:

SPECIALIST KNOWLEDGE

A knowledge and understanding of his own country: its geography, history and culture, its political, social, economic and demographic structure and institutions, its human and economic resources – agriculture, industry, finance – in short the determinants of its foreign policy priorities.

A similar knowledge and understanding, as far as is possible, of other states and regional organisations, priority being given to his neighbours, the regional organisations of which his country is a member, and the super-states, actual and potential.

A knowledge of the mechanism and procedures of international intercourse. This involves a knowledge of the worldwide network of diplomatic missions and consular posts, their functions, their practice and structure; the worldwide network of trading and financial establishments and how they operate; the United Nations and other inter-governmental institutions, global and regional, for international political, social and economic cooperation; also the code of public international law which establishes rules of behaviour between states and the laws regulating international institutions. Not least, he should have an understanding of the social and political consequences of the current 'Media Revolution'.

PROFESSIONAL SKILLS

Skill in negotiating and in day-to-day diplomacy

Skill in observing, analysing and reporting

Skill in representation

Skill in the management of a mission

Skill in communication and public diplomacy

Cross-cultural skills

PERSONAL QUALITIES

Political awareness

Personal warmth and acceptability

Intellectual curiosity and the drive to go on learning

Intellectual versatility

Leadership

Common sense

The compendium of knowledge and the table of virtues required for the perfect diplomat are rarely found in one man or woman: which is perhaps just as well for those ordinary mortals who would have the trying task of working with them.

PROTOCOL AND PROCEDURE

ORDERS OF PRECEDENCE

A diplomat is concerned with four orders of precedence:

1. PRECEDENCE BETWEEN HEADS OF DIPLOMATIC MISSIONS

The precedence of a head of mission is based on the class into which he falls:

Ambassador, High Commissioner or Apostolic Nuncio;
Envoy Extraordinary and Minister Plenipotentiary or Inter-nuncio (a rank rarely used);
Chargé d'Affaires *en titre* (titular or *en pied*).

Within each class, seniority is based on the date on which the head of mission assumed his duties as such. This is either the date on which he presented his credentials to the Head of State, or alternatively the date on which he notified his arrival to the Ministry of Foreign Affairs and sent or handed to the Minister or Ministry a copy of his credentials, depending on the practice of the country. In most countries the date is that of the presentation to the Head of State, but in some, including the UK, it is the date of handing over the copy of credentials.

If two heads of mission present their credentials on the same day precedence may be determined either by the place in the alphabet of the first letter of the state (in French) of the representatives concerned; or, more commonly, by the relative times of day they officially commenced their functions. Whichever practice of determining precedence is adopted by a state, it must be applied consistently, and not altered without prior notification.

In certain states the diplomatic representative of the Holy See takes precedence over all other heads of mission of the same category.

At gatherings at which all heads of mission are present a *Chargé d'Affaires en titre* will follow heads of mission of ambassadorial rank, and *Chargés d'Affaires ad interim* will come third, each *Chargé* taking precedence within his class according to the date of his assumption of duty. When other members of the diplomatic staff of a mission (including spouses) are present they take their place with the head of mission or *Chargé* in accordance with his precedence.

Precedence is not affected by a head of mission's credentials becoming temporarily invalid owing to the death of the Head of State who signed or accepted them.

2. INDIVIDUAL PRECEDENCE WITHIN A MISSION

The individual precedence of members of the 'political' staff below head of mission is:

Minister Plenipotentiary
Minister-Counsellor
Counsellor
First Secretary
Second Secretary
Third Secretary

The place of service and specialist attachés is determined by individual missions. They usually come before a First Secretary but rarely above the diplomat next senior to the head of mission. The precise order of precedence is normally found in the diplomatic list which every state receiving diplomatic representatives produces, though in certain states the list is arranged in functional sections. It is the responsibility of the head of mission to notify the Ministry of Foreign Affairs of the precedence of the members of his mission.

3. INDIVIDUAL PRECEDENCE *INTER SE* OF DIPLOMATS AT FORMAL OR DIPLOMATIC FUNCTIONS

Individual precedence at formal or diplomatic functions is based on rank, and is as follows:

Apostolic Nuncio (in those countries where he is *Doyen ex officio*)
Ambassador, High Commissioner, Apostolic Nuncio
Envoy Extraordinary and Minister Plenipotentiary
Chargé d'Affaires (en titre)
Chargé d'Affaires (ad interim)

Minister Plenipotentiary
Minister-Counsellor
Counsellor
First Secretary
Second Secretary
Third Secretary

Service and specialist attachés are usually placed immediately after Counsellors, but practice varies.

4. PRECEDENCE OF HEADS OF MISSION WITHIN THE NATIONAL ORDER OF PRECEDENCE

Heads of mission are placed according to custom, but usually after members of the cabinet and the presidents of the legislative assemblies. In the United Kingdom heads of mission of ambassadorial rank are placed after the seven very high dignitaries who rank immediately after the Sovereign and close members of the Royal Family in the national order of precedence.

THE DIPLOMATIC LIST

The Diplomatic List is a record of the names and designation of (a) the heads of diplomatic missions accredited to a state at a particular date, together with the names and diplomatic rank of the members of the diplomatic staff of their mission, and (b) other institutions and individuals received in a diplomatic capacity (e.g. United Nations senior staff).

Also shown is the address of the mission and sometimes the residences of the diplomats; whether or not they are married; whether or not their spouses have accompanied them; and in some countries the names of unmarried daughters over the age of eighteen.

If the post of head of mission is temporarily vacant the designation of the holder is shown with the word 'vacant'. If the head of mission is non-resident, his place of residence is indicated after his name and the address of his mission and (usually) residence are given.

It is customary to add a list of heads of mission in order of their precedence (naming the Doyen), together with a list of the national days of the states represented in the host state.

The Diplomatic List is regularly revised and reprinted (the interval depending on the size of the state and the rate of diplomatic turnover); states are listed alphabetically (usually in the language of the issuing state); and the responsibility for the correctness of the information it contains rests jointly with the host government (in practice with the

Department of Protocol) and the heads of diplomatic missions: both have a vested interest in the accuracy of the List, if only because it is used for reference by both parties, and because it is *prima facie* evidence of the right to diplomatic status.

The List does not normally have any security rating, and in some countries it is on sale to the public. It is issued free to all foreign missions and diplomats, and to ministers and officials of the host government who may need to refer to it, e.g. customs and immigration officials, police and mayors, as well as to the heads of the issuing government's missions abroad.

In certain instances a combined Diplomatic and Consular List is issued containing, in addition, details of career and honorary consular officers; otherwise a separate Consular List is sometimes issued, depending on need.

CORRESPONDENCE AND COMMUNICATION BETWEEN DIPLOMATIC MISSIONS AND THE HOST GOVERNMENT

All formal communications between a diplomatic mission and the foreign government in whose capital it is situated are made (a) by or on behalf of the head of mission, and (b) to the Ministry of Foreign Affairs (or its equivalent), except where special permission has been given for dealing with another department, or in the case of specialist attachés who are by custom permitted to deal direct with the relevant department on technical (but not policy) matters. In practice, the complexity of modern diplomacy has reduced the strict formalities in many countries.

PERSONAL INTERVIEWS

The Minister for Foreign Affairs is customarily accessible to heads of mission, and appointments are usually made by telephone. Such top-level approaches are normally limited to matters of special importance; those of lesser importance are best dealt with by the head of mission or a member of the diplomatic staff of the mission arranging (once again by telephone) to see an appropriate member of the ministry staff. Ministers and ministry officials are normally very busy people, and tend to be sympathetic to visiting diplomats who, after the initial courtesies, are brief and to the point, and take their leave when there is no further business to conduct.

WRITTEN CORRESPONDENCE

(a) *The Official Note in the third person*

The customary method of correspondence between a diplomatic mission and a Ministry of Foreign Affairs is the Official Note. The note is typed in a recognised international language on official paper headed with the national crest and address, and begins as follows:

The Embassy presents its compliments to the Ministry of Foreign Affairs and has the honour to inform them that . . . [or] to bring to their attention the following matter . . .

The substance of the note then follows, and the document terminates with a formula on the following lines:

The Embassy takes [or avails itself of] this opportunity of assuring the Ministry of its highest consideration.

Date [Sender's initials and Embassy stamp]

In some countries (e.g. the United States of America) this final courtesy is omitted.

The Official Note is also the standard form of communication between Diplomatic Missions.

(b) *The note verbale*

The *note verbale* is written in the third person and its general form is that of the official note.

(c) *The Official Letter in the first person*

A less formal approach to a Minister for Foreign Affairs (by a head of mission) or to an official in the Ministry (by a member of the diplomatic staff of a mission) is the letter in the first person. This is written on correspondence paper with the address and date at the top, and would be on the following lines:

Head of mission to Minister for Foreign Affairs

An official letter from a head of mission to a Minister of Foreign Affairs usually begins 'Your Excellency' or sometimes just 'Sir' or 'Excellency', followed by:

I have the honour . . .

and ends with the sentence:

I avail myself of the opportunity to assure Your Excellency of my highest consideration

or

Accept, Excellency, the renewed assurances of my highest consideration.

[Name of sender]

Alternatively, and depending on the Ambassador's relationship with the Minister, a letter might begin 'My dear Minister', and end with the words 'Yours sincerely'. This less formal approach is used in the UK since no British Minister or official there is properly addressed as 'Excellency'.

If the letter is addressed in the form 'Your Excellency', it ought strictly to continue in the same way, e.g. 'My government has studied Your Excellency's proposal . . .' However, such phraseology can become tedious, and the judicious and occasional use of the second person (you, your) is permissible, and avoids pomposity.

Official to official

As a general rule correspondence between officials begins, 'My dear (name of addressee)', and ends 'Yours sincerely (name of sender)'.

(d) Methods of providing records of verbal discussions

Heads of mission are frequently instructed by their governments to 'make representations' to the Ministry of the country to which they are accredited or to ask for clarification of an issue. This necessitates a personal visit during which the diplomat 'states his case', and in order that there can be no room for doubt as to the purpose of his visit, he leaves behind a summary of his remarks. This may take the form of:

An *aide-mémoire* which explains a government's action or point of view, or puts forward a proposition. It is headed 'Aide-Mémoire' and bears the date at the end, but has no signature, address or Embassy stamp.

or

A *bout de papier* which is typed on paper without heading, signature or date, the theory being that its provenance could be denied if necessary. It is thus less 'official' than the *aide-mémoire*.

Diplomats may wish to put forward a tentative suggestion at a conference, or may be instructed by their government to make representations on a matter of great delicacy, about which their own Ministry does not yet wish to take a stand. The diplomat may then choose to discuss the issue and leave a *non-paper* in which the matter is clarified in a non-committal way.

(e) Rejection of a note or letter

If a Ministry of Foreign Affairs considers that a communication from another government is offensive in any way it may 'refuse to accept'

it, even though it has already taken delivery of it and studied it. In these circumstances the Ministry – or invariably the Minister in such a serious situation – would summon the appropriate head of mission and hand back to him the document concerned informing him at the same time that it was unacceptable to his government.

DEMONSTRATIONS

A diplomatic mission may find itself approached by a group of people asking for an interview with the Ambassador, or a member of his staff. An embassy thus approached has various options, the last being most commonly adopted:

- to keep the door shut,
- to accept the petition without comment,
- to invite the spokesman/men of the group in and explain the home government's position.

If the demonstration appears to be getting out of hand the Chief of Protocol (or, better still, the Police Diplomatic Protection Unit, if such exists) should be advised without delay: 'The receiving State is under a special duty to . . . prevent any disturbance of the peace of the mission or impairment of its dignity' (1961 Vienna Convention on Diplomatic Relations, Article 22, paragraph 2).

FLAGS

Heads of mission are entitled to fly their national flag on their residence and the premises of their mission at all times, and it is the practice to do so to mark (a) their own national occasions, and (b) those of the state in which they are situated. They are also entitled to fly their national flag on their official car, although many choose to do so only on formal occasions or in dangerous situations.

On occasions when national mourning is officially prescribed, whether in the sending state or in the host state, flags are flown at half mast. They are normally flown in this manner only on the day of the funeral; but in the event of the death of a Sovereign it is customary for them to be flown from the day of death until (and including) the day of the funeral except on the date of the proclamation of the accession of the new Sovereign.

Traditionally flags are raised first thing in the morning (8 a.m.) and lowered at sunset.

Consular officers who include a port within their consular area are normally permitted – subject to any existing convention, and dependent

on local custom – to fly their national flag on a boat (at the bow) when on official duty. It is also common practice for heads of consular posts to fly their national flag on their official car when making official visits to the local authorities or when they are invited to take part in ceremonies or festivities in their official capacity; but the precise conditions are often regulated by a consular convention. The flying of the national flag on a consular post may be prohibited if the premises are situated in the same city as the diplomatic mission.

On the occasion of the visit of a distinguished foreign guest, the national flag of the visitor's state and that of the host state are often flown at the same place, e.g. on either side of a saluting base or platform. In this instance the flag pole on the right hand of a person sitting on the platform would be the 'guest' one: and as such would fly the visitor's flag.

When a number of flags of different countries are flown from individual flagstaffs the place of honour should be assigned to the national flag, the others being arranged alternately to right and left of this central point (looking outwards from the site) in the alphabetical order of the countries represented.

When a flag is flown on a car, the seat behind the flag is highest in the order of precedence.

DRESS

The rules regarding dress for diplomats vary considerably between countries, and depend largely on tradition, custom and climate; the increasing trend being towards informality. There are, however, certain standard forms of dress which it is useful to be aware of (in addition to the diplomatic uniform or national dress that diplomats of certain states wear); these are normally indicated when invitation cards are sent. Dress for ladies can only be defined as 'appropriate'. Unlike that of the dull and standardised male it enlivens otherwise formal occasions, and makes a personal visual statement. For males the options are:

MORNING COAT

Occasionally worn for daytime ceremonies, especially in the open, e.g. farewells to, or arrivals of, distinguished visitors.

Black tail coat; black waistcoat and black high silk hat for solemn occasions, alternatively grey waistcoat and grey top hat for festivities; white shirt, black striped 'pepper and salt' trousers; stiff turndown (i.e. plain) collar; grey tie, black shoes. Medal ribbons are not worn, but

full-size medals are worn on the left breast if the occasion demands, e.g. military or remembrance.

TAIL COAT ('WHITE TIE' OR 'FULL EVENING DRESS')

Usually restricted to formal evening functions such as dinners, balls or receptions; occasionally for more formal indoor ceremonies during the day (e.g. the presentation of credentials in the UK because it is the highest form of civilian national dress).

Long black tail coat; white waistcoat; stiff (starched) white shirt; wing collar; white bow tie; black trousers with two black silk stripes; black silk hat; black patent leather shoes; miniatures of decorations and orders (the ribbon of any neck decoration going under the white tie, and the sash of an order going across the white waistcoat).

DINNER JACKET ('BLACK TIE' OR 'SMOKING')

For informal evening functions.

Black jacket with silk-faced lapels; black trousers with one silk stripe; white shirt (usually soft with soft collar); black bow tie; black shoes. Miniatures of decorations and medals are worn where indicated on the invitation card.

The greater the degree of informality of the evening (and the climate), the greater is the liberty with regard to dress. In some situations cummerbunds (black, or sometimes maroon, silk sashes) are worn with dinner jackets; also coloured bow ties. White tuxedos are customarily worn when the climate so demands.

NATIONAL DRESS

Formal national dress is suitable for all diplomatic functions.

STATE CEREMONIES

It usually falls to the Chief of the Department of Protocol to plan and execute arrangements for state ceremonies and these (assuming the once-and-for-all nature of independence celebrations) are most commonly: inaugurations, visits, anniversaries of national significance and funerals.

On all the above occasions (funerals being a possible exception) detailed plans are produced several weeks, even months, in advance

and the Ministry would make a point of consulting with the Dean of the Diplomatic Corps if the Corps as a whole would be involved.

The cooperation of various organisations is essential for most functions, and it is usual to create an *ad hoc* planning and coordinating committee which might include representatives of the police (for parking and the regulation of traffic); the army (for a band and guard of honour); the press relations office and civic authorities; and, if foreign visitors are expected in any number, representatives of the customs, immigration and airports.

On the occasion of the visit of a foreign Head of State or member of the government or other person of distinction, the head of mission of the state concerned is invited to all the official functions and entertainments which the visitor attends; and in return the visitor offers hospitality at his head of mission's residence or an appropriate place for the corresponding dignitary in the host country (e.g. Head of State to Head of State, Foreign Minister to Foreign Minister, Head of Church to Head of Church).

A formal diplomatic visit begins when the visitor arrives in the diplomatic capital of the state (which normally must be his first objective) and it is there that the official reception takes place. The visitor's national anthem will be played, the guard of honour inspected, and compliments paid to the host's flag. If, however, the port, airport, or frontier post by which the visitor enters the state is some distance from the capital, the visitor is met by members of the local authority and an official representative who accompanies him to the capital. A procession with motor-cycle or horse escort is then arranged with the visitors riding in a carriage or motor car (depending on the distance involved). The general rule for the seating of state visitors in carriages and cars in a procession is that they are placed in the vehicles in descending order of precedence with the senior person in each vehicle seated behind the flag.

It is a recognised practice that the host of a state visit should be invited to make a return to visit to the other's capital within a reasonable time.

OFFICIAL MOURNING

The observance of official mourning may be declared (a) by a head of mission's own government, in which event it applies to him and to the members of the staff of the mission; or (b) by the host government, in which case it applies to the Diplomatic Corps as a whole.

In the former instance, which might be occasioned by the death of the Head of State, the head of government or a member of the royal family or by a national catastrophe, a head of mission would receive

instructions from his Ministry concerning the period of official mourning, the flying of the flag at half mast, etc. During this time he and members of the staff of his mission would wear black ties or their equivalent (ladies being appropriately dressed); and he would as far as possible refrain from giving or attending social engagements. Previously arranged official commitments might justifiably be cancelled, but state functions would have to be attended. Private functions, if given, would be unostentatious and relatively solemn. A 'condolences' book would be available at the Embassy or sometimes at the head of mission's residence to receive the signatures of persons wishing to express their sympathy, together with a tray for cards. In certain instances a photograph of the deceased is displayed surrounded by black ribbon; and black-edge stationery used for correspondence for a limited period of time.

In the event of official mourning being declared in the host country, the Diplomatic Corps acts as a body and receives its guidance through the Doyen who would be in close touch with the Chief of the Department of Protocol. Its members would be required to fly their flags at half mast for a given period, and to cancel all but the most informal gatherings. They would be expected to attend official ceremonies and generally to behave in conformity with the solemnity of the times. Heads of Mission would individually send formal letters of sympathy to the Minister for Foreign Affairs, and all members of the diplomatic staff of a mission would leave their cards marked 'p.c.' (*pour condoléances*) at the Ministry where a suitable receptacle would be provided, together with a condolences book.

If a distinguished national of a diplomatic colleague's state dies, heads of mission would express their condolences in a similar fashion, but there would be no general mourning. They would similarly express their condolences – by letter or by card, and by attendance at the funeral – on the death of a diplomatic colleague.

A note to the other diplomatic missions might take the following form:

The Embassy of presents its compliments to the Diplomatic Missions accredited to the Court of St James's and in deep sorrow has the duty to inform them that died on

A Book of Condolence will be opened at the Embassy (address) from Thursday 9 to Friday 10 September, between the hours of 10.00 a.m. and 2.00 p.m.

The Embassy of avails itself of this opportunity to renew to the Diplomatic Missions accredited to the Court of St James's the assurance of its highest consideration.

DIPLOMATIC PRIVILEGES AND IMMUNITIES

The privileged position of diplomats in society is traditional, but it is not for this reason that it continues to be respected; it is because representatives of a state can only carry out their diplomatic functions satisfactorily if they are utterly free from pressures, whether legal, physical or moral, that the state in which they are serving may be able to impose on them. In the majority of peaceful law-abiding countries the privileges and immunities to which they are entitled may appear pointless and excessive, and thus may cause resentment on the part of the host population; but in exceptional times and in exceptional countries it is only the recognition of mutually applicable privileges and immunities that enables diplomatic relations to be maintained.

Privileges and immunities are applicable both to the diplomatic mission and its functions, and to the individual.

The privileges and immunities accorded to diplomatic missions and their functions are also applicable to the United Nations and its functions under the 1946 Convention on the Privileges and Immunities of the United Nations, though the application of the Convention varies in different states.

The following is a summary of the principles contained in the 1961 Vienna Convention on Diplomatic Relations which has been accepted by an overwhelming majority of the members of the United Nations as representing an internationally agreed codification of modern diplomatic law.

PRIVILEGES AND IMMUNITIES IN RESPECT OF THE MISSION AND ITS FUNCTIONS

INVIOLABILITY AND IMMUNITY OF PREMISES AND PROPERTY

The premises of a mission and the private residence of the head of a mission are inviolable, as are those of members of the diplomatic and

administrative and technical staff of the mission provided that they are not nationals or permanent residents of the host state. They may not be entered by agents of the host state without the permission of the head of mission concerned; the host state is obliged to ensure that all appropriate steps are taken to protect such premises against intrusion or damage, and to prevent any disturbance of the peace of the mission or impairment of its dignity. The premises, together with their contents and the means of transport belonging to the mission, are immune from search, requisition, legal attachment or execution. Motor vehicles belonging to members of the diplomatic and administrative and technical staff enjoy the same immunity, but special provisions apply to traffic offences in different countries. Generally speaking diplomats are treated as nationals in respect of such offences, save that they are not prosecuted, but the offence is reported to the head of mission.

INVIOABILITY OF RECORDS, DOCUMENTS, CORRESPONDENCE AND ARCHIVES

The records, documents, correspondence and archives of a mission are inviolable at any time and wherever they may be.

FREEDOM AND INVIOABILITY OF COMMUNICATIONS

A diplomatic mission is entitled to communicate freely for all official purposes and to have access to every facility for this in the state in which it is situated. It may use any appropriate means including couriers and messages in code or cypher to communicate with its own government and with any of its government's missions and consulates wherever they may be situated. A wireless transmitter, however, may be installed and used only with the consent of the host government.

THE DIPLOMATIC BAG, POUCH OR VALISE

This is a sealed bag or container clearly marked as such, containing only official documents and articles for official use. A diplomatic bag usually falls into one of two categories depending on the importance of its contents: accompanied or unaccompanied. The diplomatic bag is inviolable: it may not be opened or detained, and every facility must be given for its swift despatch. It may be carried by a *diplomatic courier* who is entitled to the protection of the state which he is visiting or in which he is serving in the performance of his functions. He enjoys personal inviolability, and is not liable to any form of arrest or detention.

Diplomatic Privileges and Immunities

A diplomatic courier is usually a full-time employee of a Ministry of Foreign Affairs, and on every journey must be provided by his Ministry or head of mission with a document indicating his status and the number of packages constituting the diplomatic bag. Where there is no regular diplomatic courier a state or mission may designate an individual – often an official of appropriate nationality who is making the journey for other reasons – as a diplomatic courier for a specific journey. Provided that he is furnished with the appropriate documents by his Ministry or head of mission he will be granted the same immunities and personal inviolability as a regular courier until such time as he has delivered the diplomatic bag in his charge. In normal circumstances a diplomatic bag may be entrusted to the captain of an aircraft, provided he enters or leaves the country through an authorised place of entry. A member of the mission concerned is entitled to hand the bag directly and freely to the captain, and similarly to receive it from him. The captain concerned must be provided with a document stating the number of packages constituting the bag; but he himself is not considered as being a diplomatic courier.

When communications between a state and its diplomatic mission have to pass through a third state, that state must furnish the same inviolability as is accorded by the receiving state. Diplomatic bags properly identified are inviolable while in transit through third states, as are diplomatic couriers. Couriers must, however, obtain any appropriate visas.

EXEMPTION FROM TAXATION

A diplomatic mission is exempt from all national, regional and municipal dues and taxes in respect of the mission premises, whether owned or leased, except for those charges which represent payment for specific services rendered (e.g. water, electricity, refuse collection). This exemption does not extend to persons entering into contracts with a head of mission or his government – for which reason such contracts usually stipulate that it is the head of the mission or his government who are responsible for any rates or taxes on the premises.

A diplomatic mission is also exempt from dues and taxes in respect of any fees and charges that it levies as part of the normal functions of a mission.

RIGHT TO IMPORT, AND EXEMPTION FROM CUSTOMS DUTIES

A diplomatic mission is entitled to import (subject to existing laws) articles for the official use of the mission, and is exempt from customs

and other similar duties in respect of such articles. It is not exempt from charges for related services, e.g. storage or cartage. Goods imported duty free may not be sold or otherwise disposed of in the host state except in accordance with the conditions laid down by the state.

PERSONAL PRIVILEGES AND IMMUNITIES

GENERAL PROVISIONS

Full diplomatic privileges and immunities are applicable to (a) diplomats, and (b) members of their families forming part of their household provided they are not nationals or permanent residents of the state in which the diplomat is serving.

The interpretation of the term 'family' varies between states. The spouse and minor children of the diplomat are always included. Normally a diplomat who is a bachelor or widower or not accompanied by his wife would be entitled to count his mother or sister as part of the family if they are living with him; sons and daughters for whom the diplomat is legally responsible are included, as are widowed mothers.

Limited diplomatic privileges and immunities are afforded to three categories of members of the staff of a mission: those who are nationals or permanent residents of the state in which they are serving; members of the administrative and technical staff; and private servants of members of the mission.

As a counterpart to the enjoyment of immunity a diplomat may not practice for profit any professional or commercial activity in the state in which he is serving.

It is customary (but not universally accepted) practice for members of diplomatic missions to be issued with diplomatic identity cards by the host state. These carry the photograph and signature of the holder, together with whatever instructions the host state may see fit to add for the benefit of its officials with regard to the privileges, facilities and immunities which should be accorded to the bearer.

The immunity granted to a diplomat and members of his family by the host state does not exempt them from the jurisdiction of their own state.

DURATION OF PRIVILEGES AND IMMUNITIES

Personal privileges and immunities apply from the moment the member of a mission enters the host country to take up his post or, if already in the country, from the moment his appointment is notified to the

appropriate Ministry. Privileges and immunities come to an end when he leaves the country on the conclusion of his functions, or (if he does not leave immediately) after a reasonable interval of time (e.g. 4–6 weeks in the UK); but immunity from jurisdiction in respect of acts carried out in the course of his official duty has no limit in time. Immunity from jurisdiction in respect of any act carried out in a private capacity, however, does not continue after the conclusion of the diplomat's functions. In the event of the death of a member of a mission, the members of his family continue to enjoy the privileges and immunities to which they were entitled for a reasonable period of time sufficient to enable them to leave the country.

FULL PRIVILEGES AND IMMUNITIES

PERSONAL INVIOABILITY AND PROTECTION

All diplomats enjoy personal inviolability, and members of their family forming part of their household similarly enjoy inviolability provided that they are not nationals or permanent residents of the host state. A state which accepts the establishment of a foreign diplomatic mission is bound to ensure complete protection to all members of that mission and to their families against physical violence whatever its source, and from attacks on their dignity and freedom.

IMMUNITY FROM CRIMINAL JURISDICTION

A diplomat and members of his family forming part of his household (provided that they are not nationals or permanent residents of the host state) are immune from the criminal jurisdiction of the host state.

IMMUNITY FROM CIVIL AND ADMINISTRATIVE JURISDICTION

A diplomat and members of his family forming part of his household (provided they are not nationals or permanent residents of the host state) are immune from civil and administrative jurisdiction in the host state except in the case of:

- (a) a real action (i.e. an action to claim ownership or possession) relating to private immovable property situated in the host state, unless he holds it on behalf of the state he serves for the purposes of the mission;

- (b) an action relating to succession in which he is involved as executor, administrator, heir or legatee as a private person and not on behalf of the state he serves;
- (c) an action relating to any professional or commercial activity exercised by him in the host state outside his official function. This limitation applies in practice to his spouse and family.

WAIVER OF DIPLOMATIC IMMUNITY

The immunity from jurisdiction of an individual entitled to such protection may be waived only by his government. A waiver of immunity from civil or administrative proceedings does no more than allow the person concerned to stand trial; a second and specific waiver is required before the judgement can be put into effect.

COUNTERCLAIMS

If legal proceedings are started by a person enjoying diplomatic immunity he is not entitled to claim immunity from jurisdiction in respect of any counterclaim directly connected with the principal claim.

INVIOABILITY OF CORRESPONDENCE

The papers and correspondence of a diplomat and of members of his family forming part of his household (provided that they are not nationals or permanent residents of the host state) are inviolable.

INVIOABILITY OF PROPERTY

The property of a diplomat and of members of his family forming part of his household (provided that they are not nationals or permanent residents of the host state) is inviolable.

EXEMPTION FROM LIABILITY FOR PUBLIC SERVICE

A diplomat and members of his family forming part of his household (provided that they are not nationals or permanent residents of the host state) are exempt from all personal and public services and from military obligations such as requisitioning, billeting or military contributions and from jury service.

EXEMPTION FROM LIABILITY TO SERVE AS A WITNESS

A diplomat and members of his family forming part of his household (provided that they are not nationals or permanent residents of the host state) are not obliged to give evidence as witnesses (but in many cases do so in order to assist justice).

EXEMPTION FROM NATIONAL AND LOCAL TAXATION

A diplomat and members of his family forming part of his household (provided that they are not nationals or permanent residents of the host state) are exempt from all dues and taxes, personal or real, national, regional or municipal, except for:

- (a) Indirect taxes of a kind normally incorporated in the price of goods or services, e.g. value-added tax (though in some instances a refund of such taxes and excise duties is made on a reciprocal basis or to promote sales of goods manufactured in the receiving state).
- (b) Dues and taxes on private immovable property situated in the territory of the host state, unless it is held on behalf of the sending state for the purposes of the mission.
- (c) Estate, succession or inheritance duties levied by the host state, subject to the provisions referred to in Article 39 of the Vienna Convention. Generally speaking, such duties are not levied on an individual's movable property provided that its presence in the receiving state could reasonably be related to his official functions, and provided that he or she was not a permanent resident or national of the state concerned.
- (d) Dues and taxes on private income originating in the host state, and capital taxes levied on commercial undertakings in that state.
- (e) Charges levied for specific services rendered. (In UK practice this covers one-quarter approximately of local authority rates or taxes relating to services such as roads, street lighting and refuse collection from which a diplomat is deemed to derive direct benefit.)
- (f) Registration, court or record fees, mortgage dues and stamp duty in respect of immovable property (except for immovable property required as part of the premises of the mission in which case fees and dues are payable only in respect of specific services rendered).

EXEMPTION FROM CUSTOMS DUTIES

A diplomat and members of his family forming part of his household (provided that they are not nationals or permanent residents of the host

state) are entitled (in accordance with local regulations, which must not defeat diplomatic privilege) to import articles for their personal use, including articles required for the upkeep of their establishment, and are exempt from customs and other similar duties in respect of such articles. They are, however, liable to related charges for services, e.g. storage and cartage; and must comply with the regulations of the host state in respect of any articles imported duty-free that they subsequently sell or otherwise dispose of.

EXEMPTION FROM SOCIAL SECURITY PROVISIONS

A diplomat and members of his family forming part of his household (provided that they are not nationals or permanent residents of the host state) are exempt from the social security provisions of the host state. Private servants in the sole employ of a diplomat are also exempt, provided that they are not nationals or permanent residents of the host state and that they are covered by the social security provisions of their own state; and a diplomat is obliged to comply with the social security provisions in force in respect of any person he employs who is not so exempt. In some states he may be permitted to participate in their social security scheme if he so wishes; and in others his position may be covered by an existing agreement between the host state and his own state.

EXEMPTION FROM INSPECTION OF PERSONAL LUGGAGE

A diplomat and members of his family forming part of his household (provided that they are not nationals or permanent residents of the host state) are exempt from the inspection of personal luggage, unless there are serious grounds for believing that it contains articles that do not come within the scope of the privileges permitted, or illegal imports or exports. In this event the inspection is conducted only in the presence of the diplomat or of his authorised representative.

FREEDOM OF TRAVEL

All members of the staff of a diplomatic mission are entitled to travel freely and without restriction in the state in which they are serving, except in those areas to which access is limited on grounds of national security. This principle is not always adhered to, and certain states limit the freedom of certain diplomats to special travel zones; and in such cases a policy of reciprocity is usually adopted.

TRAVEL THROUGH A THIRD STATE

Provided that they have any necessary visas, diplomats and members of their family, whether travelling with them or separately, are entitled to inviolability and all other immunities necessary to ensure a safe journey when passing through a third state on their way to or from a post. To ensure this they should be provided by their Ministry with a letter (preferably in the language of the third state or states) giving the purpose of their journey; or with a diplomatic visa issued by a diplomatic or consular representative of that state. It is not normal for their luggage to be inspected, and the authorities should have very good reasons before doing so.

RECIPROCAL OBLIGATIONS OF DIPLOMATS

The granting of privileges and immunities by a state implies the acceptance of a high standard of responsibility and integrity on the part of the recipient. He may not interfere in the internal affairs of that state nor allow official premises to be put to any purpose other than their proper and recognised function; and he should not take advantage of his immunity from the jurisdiction of the courts to disregard its laws in such matters as motor-car accidents, speeding and parking.

DIPLOMATIC PASSPORTS

Diplomatic passports are issued by most states to those of their nationals who are entitled to diplomatic immunity and in the case of some states, to persons of high standing or connection. The UK practice is to issue diplomatic passports on a strictly controlled basis and only to diplomats for the duration of their posting in a British diplomatic mission overseas. They are usually taken not as evidence of entitlement to immunity (this being a function *prima facie* of the Diplomatic List), but as evidence of appointment only; they nevertheless often serve a useful purpose. Identity cards may be issued by the receiving state for the same purpose.

REPRESENTATIVES TO INTERNATIONAL ORGANISATIONS

In certain cases resident (and sometimes non-resident) representatives of states to international organisations are entitled to the same privileges and immunities as diplomats. Representatives to the United Nations and its Specialised Agencies normally receive a wide range of

privileges and immunities under the 1946 Convention on the Privileges and Immunities of the United Nations, and the similar Convention regarding the Specialised Agencies. The few most senior officers on the staffs of these organisations are entitled to the full range of diplomatic privileges and immunities (unless they are nationals or permanent residents of the receiving state); the other staff members of the organisations enjoy more limited privileges and immunities. In the case of other organisations, such matters are normally included in the Agreement establishing the organisation or in an Agreement concluded between the host state and the international organisation before the latter is set up. Special provisions apply in Switzerland and the USA where such organisations are numerous.

MEMBERS OF VISITING DIPLOMATIC MISSIONS

It is customary for states to grant privileges and immunities to visiting representatives of foreign states who, although not accredited as diplomats to any state, are exercising quasi-diplomatic or representative functions. Within this category come Heads of State or their representatives whether on a state occasion or on an informal visit, members of arbitration tribunals and government delegates to conferences or congresses. The New York Convention on Special Missions has now been drawn up to regulate the privileges and immunities given to such temporary special missions sent with the agreement of the receiving state.

LIMITED PRIVILEGES AND IMMUNITIES

NON-DIPLOMATIC STAFF OF A MISSION WHO ARE NOT NATIONALS OR PERMANENT RESIDENTS OF THE STATE IN WHICH THEY ARE SERVING

Members of the administrative and technical staff of a mission and members of their families forming part of their household (provided that they are not nationals or permanent residents of the state in which they are serving) are entitled to the full immunities given to a diplomat except that immunity from civil and administrative jurisdiction does not extend to acts performed outside the course of their duty; and to full diplomatic privileges except that they are not exempt from the inspection of their luggage, and exemption from customs duties is limited to articles imported at the time of their arrival in the state to take up their appointment there; nor are they entitled to privileges and immunities while travelling through third states to take up an appointment, though such states are obliged not to hinder their passage.

Diplomatic Privileges and Immunities

Members of the domestic ('service') staff of a mission who are not nationals or permanent residents of the state in which they are serving are entitled to immunity in respect of acts performed in the course of their duties, exemption from dues and taxes on the emoluments they receive in respect of their employment, and exemption from social security provisions in respect of their employment with a diplomatic mission provided that they are covered by the social security provisions of their own country.

Private servants of members of the diplomatic staff of a mission who are not nationals or permanent residents of the state in which they are serving are exempt from dues and taxes on the emoluments they receive in respect of their employment, but are not otherwise entitled to any privileges or immunities other than those that the host state may choose to grant; it is, however, bound to exercise its jurisdiction over them in such a manner as not to interfere unduly with the performance of the functions of the relevant mission.

DIPLOMATS AND OTHER MEMBERS OF THE STAFF OF A MISSION WHO ARE NATIONALS OR PERMANENT RESIDENTS OF THE HOST STATE

Diplomats who are nationals or permanent residents of the state in which they are serving are entitled only to immunity from jurisdiction and personal inviolability in respect of official acts performed in the exercise of their functions, though other privileges and immunities may be granted in particular states. Other (non-diplomatic) members of the staff of a mission and private servants who are nationals or permanent residents of the state in which they are serving enjoy only those privileges and immunities that the host state considers appropriate. Any limitations placed on persons in these categories, however, must be such as not to interfere unduly with the performance of the functions of their mission.

CONSULAR OFFICERS AND CONSULAR POSTS

THE ESTABLISHMENT OF CONSULAR POSTS

The establishment of diplomatic relations between states implies agreement in principle to the establishment of consular relations unless the contrary is specifically stated; but the severance of diplomatic relations does not automatically signify the severance of consular relations.

The establishment of a consular post requires the prior approval of the host state, which may ask to be provided with details of the location and status of the post (i.e. Consulate-General, Consulate, Vice-Consulate or Honorary Consulate) and its area of consular jurisdiction. Its prior approval must also be obtained for any subsequent changes in these particulars, and also for the establishment of any subsidiary consular offices elsewhere in the consular area.

CONSULAR FUNCTIONS

Consular functions are described in general terms in the 1963 Vienna Convention on Consular Relations as follows:

- (a) protecting in the receiving state the interests of the sending state and of its nationals, both individuals and bodies corporate, within the limits permitted by international law;
- (b) furthering the development of commercial, economic, cultural and scientific relations between the sending state and the receiving state and otherwise promoting friendly relations between them in accordance with the provisions of the Convention;
- (c) ascertaining, by all lawful means, conditions and developments in the commercial, economic, cultural and scientific life of the receiving state, reporting thereon to the Government of the sending state and giving information to persons interested;

Consular Officers and Consular Posts

- (d) issuing passports and travel documents to nationals of the sending state, and visas or appropriate documents to persons wishing to travel to the sending state;
- (e) helping and assisting nationals, both individuals and bodies corporate, of the sending state;
- (f) acting as notary and civil registrar and in capacities of a similar kind, and performing certain functions of an administrative nature, provided that there is nothing contrary thereto in the laws and regulations of the receiving state;
- (g) safeguarding the interests of nationals, both individuals and bodies corporate, of the sending state in cases of succession *mortis causa* in the territory of the receiving state, in accordance with the laws and regulations of the receiving state;
- (h) safeguarding, within the limits imposed by the laws and regulations of the receiving state, the interests of minors and other persons lacking full capacity who are nationals of the sending state, particularly where any guardianship or trusteeship is required with respect to such persons;
- (i) subject to the practices and procedures in force in the receiving state, representing or arranging appropriate representation for nationals of the sending state before the tribunals and other authorities of the receiving state, for the purpose of obtaining, in accordance with the laws and regulations of the receiving state, provisional measures for the preservation of the rights and interests of these nationals, where, because of absence or any other reason, such nationals are unable at the proper time to assume the defence of their rights and interests;
- (j) transmitting judicial and extra-judicial documents or executing letters rogatory or commissions to take evidence for the courts of the sending state in accordance with international agreements in force or, in the absence of such agreements, in any other manner compatible with the laws and regulations of the receiving state;
- (k) exercising rights of supervision and inspection provided for in the laws and regulations of the sending state in respect of vessels having the nationality of the sending state, and of aircraft registered in that state, and in respect of their crews;
- (l) extending assistance to vessels and aircraft mentioned in (k) above and to their crews, taking statements regarding the voyage of a vessel, examining and stamping the ship's papers, and without prejudice to the powers of the authorities of the receiving state, conducting investigations into any incidents which occurred during the voyage, and settling disputes of any kind between the master, the officers and the seamen in so far as this may be authorised by the laws and regulations of the sending state;

- (m) performing any other functions entrusted to a consular post by the sending state which are not prohibited by the laws and regulations of the receiving state or to which no objection is taken by the receiving state or which are referred to in the international agreements in force between the sending state and the receiving state.

These functions may, with the consent of all governments concerned, be exercised by a consular officer on behalf of a third state.

It will be noted that in a substantial number of cases the right to act is not absolute, but dependent on the law of the receiving state. Also, despite the quasi-legal nature of many of his functions, a consul is not a substitute for a lawyer or other specialist.

More detailed provisions are included in many bilateral conventions, and a comprehensive outline of consular functions may be found in the Council of Europe, *European Convention on Consular Functions*.

A consular officer whose government has no diplomatic representative in the state in which he is serving and is not represented diplomatically by a third state may, with the authority of his host state, and without affecting his consular status, be authorised to perform certain diplomatic acts, including the representation of his state at intergovernmental organisations.

CONSULAR OFFICERS, CONSULAR EMPLOYEES AND MEMBERS OF THE SERVICE STAFF

Consular officers are persons designated as such and responsible for the exercise of consular functions. They hold the rank of Consul-General, Consul or Vice-Consul and are divided into two categories:

- (a) *career consular officers* who are full-time servants of their government and are appointed by their Head of State or Foreign Minister;
- (b) *honorary consular officers* who are non-career officials for whom consular functions are usually a part-time occupation.

Career officers may not normally carry on for personal profit any professional or commercial activity in the host state, and should in principle have the nationality of the country they serve; the appointment of a national of the host state may only be made with that government's permission which may be withdrawn at any time. An honorary consular officer, on the other hand, though often a national of the country whose interest he serves, need not necessarily be so.

Consular employees are members of the consular staff who are not responsible for the exercise of consular functions, but who are employed in an administrative or technical capacity.

Members of the service staff are those employed as chauffeurs, cleaners, domestics, etc. Persons falling within these categories are usually local residents.

Consular agents and pro-consuls are appointed by certain states but there is no standard definition of the terms. Generally they refer to consular employees with limited responsibilities ranking below vice-consul, but their precise status and functions vary considerably in different states.

THE APPOINTMENT OF CONSULAR OFFICERS

It is traditional practice for the head of a consular post to be provided by his government with a written authority in respect of each appointment showing his full name, consular rank, consular district and post. This document (a *Commission*) is sent through diplomatic channels to the host government who, if they have no objection, issue a corresponding document (an *Exequatur*) authorising the appointment. In the rare event of its declining to issue an Exequatur, a government need give no reasons for its action. A similar procedure is normally adopted in respect of officers appointed to the consular staff; but, alternatively, a simple notification of relevant details in advance may be acceptable, and the granting of formal Exequaturs, though customary, is not obligatory.

The UK practice follows the Vienna Convention on Consular Relations, Article 12(1), whereby 'the Head of a Consular post is admitted to the exercise of his functions by an authorisation from the receiving State termed an exequatur whatever the form of this authorisation'. All officers performing consular functions are recognised by simple letter from the Protocol Department, and a Head of State exequatur is issued only to the career head of a consular post.

On arrival at his post, the head of a consular post informs the Dean of the Consular Corps accordingly, and makes calls on the local authorities and on the other heads of consular posts.

As soon as a head of a consular post is admitted to his functions, and even though the formalities of his appointment may not have been completed, the host government notifies the official authorities in the consular district concerned and ensures that all necessary facilities are provided for him to carry out his functions. Customs and immigration authorities are also advised of the arrival and departure of a consular officer and members of his family so that appropriate arrangements can be made.

In the absence of the head of a consular post (whether through illness, or the post falling temporarily vacant) the position may be held provisionally by a diplomat or consular officer or, if the host state has no objection, by some other person. In any event the name of the acting head of post must be furnished to the host government, advance notification usually being required.

A consular officer may at any time and without explanation be declared *persona non grata*. In this event he is recalled by his government; failing which his letter of appointment or Exequatur is cancelled and he ceases to be considered a consular officer.

SEVERANCE OF CONSULAR RELATIONS

In the event of consular relations being broken off, the consular premises, property and archives must be respected and protected by the host state; and the business of the consulate, together with the property and archives, may be entrusted by the appointing state to a third state acceptable to the host state.

PRIVILEGES, FACILITIES AND IMMUNITIES

The Vienna Convention on Consular Relations was drawn up in 1963 with the aim of providing the basis for a uniform practice in respect of consular privileges and immunities; but many states with wide consular interests have preferred to conclude bilateral agreements to suit their particular requirements, and these usually accord a more liberal scale of privileges, though not usually of immunities. Some states such as the United Kingdom are parties both to the Vienna Convention and to prior and subsequent bilateral conventions. In case of any conflict they apply the more generous treatment in matters of privileges and immunities, on being assured of reciprocity. Nevertheless the advantages of a standard practice are self-evident, and the following are the main provisions of the Vienna Convention.

CAREER CONSULAR OFFICERS AND POSTS HEADED BY THEM

RELATING TO THE CONSULAR POST

The facilities granted by the host state to a consular post are those necessary to ensure the effective fulfilment of its functions: the premises

used exclusively for consular purposes are (with specific exceptions such as an emergency requiring prompt action on the premises) inviolable and may not be entered except with the permission of the head of the consular post or the head of the diplomatic mission of the country concerned; the host state is obliged, where necessary, to help in finding suitable premises for the consular post (and accommodation for staff) and to ensure that all appropriate steps are taken to protect the premises from damage or insult; the consular archives and official correspondence are inviolable; there is freedom of movement for members of the post (save in generally restricted zones) and freedom and inviolability of communication by bag and other recognised means, although wireless transmitters may be used only with the permission of the host government; furthermore the host government may ask for a bag to be opened if it has serious reason to believe that its contents are unauthorised (if, however, the sending state refuses to do this the bag shall be returned to its place of origin); and the head of post has the right to fly his national flag and display his national coat of arms on his premises and residence, and fly his flag on his car, boat or aircraft when on official business.

The consular premises, including the residence of the head of the post but not those of other members of the staff, are not directly liable to taxation (though this exemption does not apply to the vendor or lessor of the premises if he is liable under the law), but charges for services, e.g. refuse collection, must be met.

In addition, consular fees and charges may be levied for services rendered, e.g. the granting of visas, certification of documents; these are exempt from all dues and taxes in the host state.

RELATING TO CONSULAR DUTIES

Right of access to nationals who are detained

In view of a consular officer's particular responsibility within his consular district towards nationals of his own state (and those of any other state or states whose interests he represents) he must be free to visit and communicate with them; and such individuals, conversely, have the right to communicate with and have free access to their consular officer. Moreover, if the authorities detain a foreign national they must inform him that he is free to communicate with his consular officer, who must be given the appropriate facilities to visit the national if the latter so wishes. If a consular officer makes enquiries as to whether an individual for whom he is responsible has been detained, he must be given an immediate reply and be permitted, where he considers it necessary and with the concurrence of the person concerned, to arrange for appropriate legal representation.

Right of access to information in cases of death, guardianship or trusteeship, wrecks and air accidents

The appropriate authorities have the duty to notify a consular officer without delay of any incident of which they are aware occurring within his district and affecting individuals for whom he is responsible, such as a death, a case where the appointment of guardians or trustees is needed, or a wreck or accident occurring to a ship or aircraft registered in his state.

Right of access to appropriate authorities

In the exercise of his official functions a consular officer is entitled to communicate with the competent local authorities in his consular area; and in exceptional cases with the central authorities if custom and circumstances permit.

PERSONAL PRIVILEGES AND IMMUNITIES

General

The privileges to which a career consular officer is entitled under the 1963 Vienna Convention on Consular Relations are similar to those of members of the diplomatic staff of a mission. The extent of his immunity from jurisdiction and personal inviolability, however, is considerably less except where specific agreements provide otherwise. Privileges and immunities apply from the moment he enters the host state to take up his appointment or, if already in the country, from the moment he takes up his duties. They terminate when he leaves the country or (if he does not leave immediately) a reasonable time after he relinquishes his appointment.

Personal protection

The host state is obliged to treat a consular officer with due respect and must take all appropriate steps to prevent any attack on his person, freedom or dignity.

Personal inviolability and immunity from jurisdiction

A consular officer or consular employee is not liable to the jurisdiction (judicial or administrative) of the host state in respect of acts performed in the exercise of his consular functions. It is expressly made clear that his immunity does not apply to civil actions by third parties, (i) for damage arising within the state from an accident caused by a vehicle, vessel or aircraft or (ii) arising out of any contract that he concluded if he did not contract expressly or impliedly as an agent of the state which he was serving at the time. His government may, if it sees fit, waive his immunity.

He must, however, appear before the competent authorities if criminal proceedings are brought against him, and he is liable to imprisonment if convicted by the competent judicial authorities. In the event of his being accused of a grave crime (but only in such an event) he may be detained pending trial.

It is, nevertheless, some consolation for him to know that proceedings will be carried out with the minimum delay, with due respect to him by reason of his official position, and, if the charge is not serious, with the minimum interference to his consular functions; and that the head of his consular post must be informed of his predicament unless he himself holds that position, in which case his government will be informed immediately through diplomatic channels.

Proceedings initiated by a consular officer or consular employee

If a consular officer or consular employee initiates proceedings, he loses any immunity from jurisdiction in respect of any counterclaim directly connected with the main claim to which he would otherwise have been entitled.

Liability to give evidence

No member of a consular post is obliged (unless his government waives the immunity) to give evidence on official matters or to produce official correspondence and documents concerning matters connected with the exercise of his functions; nor is he bound to give evidence as an expert witness with regard to the law of his state. In other matters he may be called on to attend as a witness at judicial or administrative proceedings and would normally do so. If a consular officer (as opposed to a consular employee or member of the service staff) should decline to do so, however, no penalty or coercive measure may be applied to him.

Residence permits, work permits, and registration as aliens

Career consular officers, consular employees (provided that they are permanent employees of the state they serve and are not engaged in any gainful occupation in the state in which they are serving) and members of their families forming part of their household are exempt from local regulations concerning residence permits, the registration of aliens and the employment of aliens.

Social security

Career consular officers and other members of the consular post (i.e. consular employees and members of the service staff) together with members of their families forming part of their household are exempt from social security requirements in force in the host state in respect of their official duties. They may, however, be permitted to participate voluntarily; and if they have any individuals in their private employ,

they are responsible for complying with the social security requirements in respect of such persons.

Taxation

Career consular officers and consular employees and members of their families forming part of their household, provided that they do not carry on any private gainful occupation in the host state, are exempt from all national and local taxes, except:

- (a) indirect taxes of a kind normally incorporated in the price of goods or services;
- (b) dues or taxes on private immovable property in the territory of the host state (this provision does not apply to the premises of a career consular post or to the residence of the head of such post);
- (c) estate, succession or inheritance duties and duties on transfers levied by the host state (this provision does not normally apply to movable property of a deceased person which is sent out of the country);
- (d) dues and taxes on private income (including capital gains) originating in the host state, and capital taxes on investments in commercial or financial undertakings in the host state;
- (e) charges levied for specific services rendered;
- (f) registration, court or record fees, mortgage dues and stamp duties (this provision does not apply to the premises of a career consular post or to the residence of the head of such post).

Members of the service staff are exempt from dues and taxes on the wages that they receive for their services.

Customs duties and inspection

Exemption from all customs duties, taxes and related charges (other than those for storage, cartage, etc.) and unrestricted right of entry (except for articles generally restricted by law) are granted in respect of:

- (a) articles for the official use of the *consular post*;
- (b) articles for the personal and domestic use of a *consular officer* and members of his family (forming part of his household) in reasonable quantities;
- (c) articles for the personal and domestic use of a *consular employee* and members of his family (forming part of his household) imported at the time of his first arrival to take up his duties.

Insurance against third-party risks

All members of a consular post must comply with national and local legislation concerning third party insurance in respect of any vehicle, vessel or aircraft.

HONORARY CONSULAR OFFICERS AND POSTS HEADED BY THEM

RELATING TO THE CONSULAR POST

A certain number of the facilities and immunities granted to career posts (with the same provisos as to their use exclusively for consular functions) are granted to consular posts headed by honorary consuls:

- (a) full facilities for the performance of the functions of a consular post;
- (b) the right to display the national flag and emblem at the consular post and consular residence and on a vehicle when on official business;
- (c) assistance in the acquisition of premises and accommodation;
- (d) freedom of movement and travel of all members of the consular post (save in generally restricted areas);
- (e) freedom and inviolability of communication (including the right of communication through third states); but the exchange of consular bags between two consular posts headed by honorary consular officers in different states is not permitted without the consent of the two host states concerned;
- (f) the right to levy consular fees and charges, and their exemption from taxation in the host state;
- (g) more limited protection by the host state of the consular premises against intrusion, damage, disturbance and impairment of its dignity;
- (h) exemption from all forms of taxation of the consular premises of which the sending state is owner or lessee except for those representing the payment for specific services rendered: but this exemption does not extend to the individual who leases or sells the premises to the sending state if he is liable to pay under the law;
- (i) inviolability of consular archives and documents at all times and wherever they may be, provided that they are kept separate from other papers and documents and, in particular, from the private correspondence of the head of a consular post and of any person working with him, and from the materials, books or documents relating to their profession or trade;
- (j) exemption from customs and other similar duties on coats-of-arms, flags, signboards, seals and stamps, books, official printed matter, office furniture, office equipment and similar articles supplied by or at the instance of the sending state to the consular post provided that they are for official use.

RELATING TO CONSULAR DUTIES

- (a) the right of access to nationals for whom the post is responsible;
- (b) the right of access to information in cases of deaths, the need for guardianships or trusteeships, wrecks and air accidents;
- (c) the right of access to the appropriate authorities in the host state.

FACILITIES, PERSONAL PRIVILEGES AND IMMUNITIES

An honorary consular officer enjoys a certain number of the facilities, privileges and immunities enjoyed by a career consular officer in connection with the performance of his functions, though, as with career officers, they may be waived by the government he serves; and if he himself initiates legal proceedings he loses the immunity (see below) in respect of a counterclaim directly connected with a principal claim.

They start the moment the officer enters the territory of the state to take up his post, or if he is already in the territory, the moment that he takes up his duties, and come to an end when he leaves the territory or (if he does not do so immediately) a reasonable period thereafter.

These facilities, privileges and immunities are as follows:

- (a) The obligation of the host state to notify his consular or diplomatic representative in the event of his being arrested, detained or prosecuted.
- (b) Immunity from jurisdiction in respect of acts performed in the exercise of his consular functions except for civil actions (i) in respect of third-party claims arising from an accident caused by a vehicle, vessel or aircraft, or (ii) arising out of a contract not expressly or implicitly carried out as an agent of the state which he, as an honorary consular officer, serves. The immunity is of indefinite duration, i.e. it does not necessarily cease on the termination of the officer's period of duty.
- (c) Freedom from the obligation to give evidence or to produce official correspondence or documents on matters connected with the exercise of his consular functions; and the right to decline to give evidence as an expert witness with regard to the law of the state he serves.

The following additional provisions also apply to an honorary consular officer:

- (d) If criminal proceedings are instituted against him he must appear before the competent authorities. He is, however, treated with the respect due to his official position; proceedings are instituted with

- the minimum of delay; and unless under detention, his ability to carry on his consular functions is hampered as little as possible.
- (e) He is exempt from all obligations in the host state in regard to the registration of aliens and residence permits provided that he does not engage there in any professional or commercial activity for personal profit.
 - (f) He is exempt from all dues and taxes on the remuneration and emoluments that he receives from the government of the state he serves in respect of the exercise of his consular functions.
 - (g) He is exempt from all personal and public services and military contributions in the state in which he is serving.
 - (h) He is entitled to receive from the host state such protection as is needed on account of his official position; and in return must undertake to respect the laws of that state and not to interfere in its internal affairs.
 - (i) Privileges and immunities granted to an honorary consular officer do not apply to members of his family, nor to the family of a consular employee in a post headed by an honorary consul.

THE UNITED NATIONS

PURPOSES AND PRINCIPLES

The United Nations has been aptly described as a Standing Diplomatic Conference: it is a worldwide association of states which, on signing the Charter of the United Nations, subscribe to its purposes and agree to act in accordance with its principles; these are:

PURPOSES

- I To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;
- II To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;
- III To achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and
- IV To be a centre for harmonising the actions of nations in the attainment of these common ends.

PRINCIPLES

- I The United Nations is based on the principle of the sovereign equality of all its members.

- II All members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfil in good faith the obligations assumed by them in accordance with the Charter.
- III All members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.
- IV All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.
- V All members shall give the United Nations every assistance in any action it takes in accordance with the Charter, and shall refrain from giving assistance to any state against which the United Nations is taking a preventive or enforcement action.
- VI The United Nations shall ensure that states which are not members of the Organisation act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security.
- VII Nothing contained in the Charter shall authorise the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the members to submit such matters to settlement under the Charter; but this principle shall not prejudice the application of enforcement measures under chapter VII.

THE UNITED NATIONS CHARTER

The Charter is divided into 111 articles grouped in nineteen chapters:

I Purposes and Principles	(articles 1 and 2)
II Membership	(articles 3–6)
III Organs	(articles 7 and 8)
IV The General Assembly	
Composition	(article 9)
Functions and powers	(articles 10–17)
Voting	(articles 18 and 19)
Procedure	(articles 20–22)
V The Security Council	
Composition	(article 23)
Functions and powers	(articles 24–26)
Voting	(article 27)
Procedure	(articles 28–32)
VI Pacific settlement of disputes	(articles 33–38)

VII	Action with respect to threats to the peace, breaches of the peace, and acts of aggression	(articles 39–51)
VIII	Regional arrangements	(articles 52–54)
IX	International economic and social cooperation	(articles 55–60)
X	The Economic and Social Council	
	Composition	(article 61)
	Functions and powers	(articles 62–66)
	Voting	(article 67)
	Procedure	(articles 68–72)
XI	Declaration regarding non-self-governing territories	(articles 73 and 74)
XII	International Trusteeship system	(articles 75–85)
XIII	The Trusteeship Council	
	Composition	(article 86)
	Functions and powers	(articles 87 and 88)
	Voting	(article 89)
	Procedure	(articles 90 and 91)
XIV	The International Court of Justice	(articles 92–96)
XV	The Secretariat	(articles 97–101)
XVI	Miscellaneous provisions	(articles 102–105)
XVII	Transitional security arrangements	(articles 106 and 107)
XVIII	Amendments	(articles 108 and 109)
XIX	Ratification and signature	(articles 110 and 111)

Membership of the United Nations consists of the ‘original members’ (those states which signed the Washington Declaration in 1942 or took part in the United Nations Conference on International Organisation in San Francisco in 1945, and signed and ratified the Charter in accordance with the prescribed procedure); and those states subsequently accepted as members in accordance with the provisions of the Charter.

Membership is further open to all other ‘peace-loving’ states which accept the obligations contained in the Charter and, in the judgement of the United Nations, are able and willing to carry them out. The admission of new members is dependent on the approval of the General Assembly on the recommendation of the Security Council.

A member which has persistently violated the principles of the Charter may be expelled from the United Nations by the General Assembly on the recommendation of the Security Council; or may have its rights and privileges of membership suspended by the General Assembly on the recommendation of the Security Council if it has been the object of preventive or enforcement action taken by the Security Council. These rights and privileges, however, may be restored by the Security Council.

Each state is entitled to one vote in the General Assembly and in its dependent committees and councils.

Provision is made in chapter XVIII for amendments to the Charter, and these come into force when they have been (a) adopted by a vote of two-thirds of the members of the General Assembly, and (b) ratified in accordance with their respective constitutional processes by two-thirds of the members of the Security Council. The procedure is the same if a General Conference of the members of the United Nations is convened in terms of article 109 for the purpose of reviewing the Charter, except that the requirement for the initial vote (prior to ratification) is a two-thirds majority of those present at the Conference.

The official languages of the United Nations are Arabic, Chinese, English, French, Russian and Spanish.

The United Nations, in terms of its Charter, is based on six principal organs: the General Assembly, the Security Council, the Economic and Social Council, the Trusteeship Council, the International Court of Justice, and the Secretariat. Generally speaking the Assembly and Security Council are the political and legislative bodies, ECOSOC and the Trusteeship Council are specialist bodies dependent on the General Assembly, and the International Court of Justice is an independent body.

The reform of the administration and decision-making process of the United Nations is currently under consideration, and is centred on the composition of the Security Council and the creation of a Development Operations Group, amalgamating such related organisations as UNDP, UNFPA and UNICEF.

THE GENERAL ASSEMBLY

The General Assembly consists of all members of the United Nations. In terms of the Charter, the United Nations may not intervene in matters which are essentially within the jurisdiction of a state, except in respect of the application of enforcement measures in accordance with chapter VII (threats to the peace, breaches of the peace and acts of aggression). Subject to this proviso, the functions of the Assembly are:

To consider and discuss (i) any matter within the scope of the Charter or relating to the powers and functions of any of the organs provided for in the Charter, (ii) general principles of cooperation in the maintenance of international peace and security, including principles governing disarmament and the regulation of armaments, and (iii) any question relating to the maintenance of international peace and security.

To call the attention of the Security Council to situations which are likely to endanger international peace and security.

To make recommendations to the Security Council or to member states (or both) or to a non-member state involved in questions relating to the maintenance of international peace and security in respect of (ii) and (iii) above; for the purpose of promoting international cooperation in the political field and encouraging the progressive development of international law and its codification; and for promoting international cooperation in the economic, social, cultural, educational and health fields, and assisting in the realisation of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion.

To make recommendations – subject to the proviso that if the Security Council is already exercising its prescribed function in respect of such matters, recommendations will only be made if asked for relating to:

- (a) any matter within the scope of the Charter or relating to the powers and functions of any of the organs provided for in the Charter;
- (b) the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations, including situations resulting from a violation of the provisions of the Charter setting forth the Purposes and Principles of the United Nations.

To receive and consider annual and special reports from the Security Council (including an account of the measures that it has decided upon or taken to maintain international peace and security), and from the other organs of the United Nations.

To perform such functions with respect to the international trusteeship system as are assigned to it under chapters XII and XIII, including the approval of the trusteeship agreements for areas not designated as strategic.

To consider and approve the United Nations budget and any financial and budgetary arrangements with the Specialised Agencies and to examine the administrative budgets of such Specialised Agencies with a view to making recommendations to the Agencies concerned.

In the event of a non-member state being involved in a question relating to the maintenance of international peace and security, the Assembly may make recommendations to the state concerned; and any question on which action is necessary in such circumstances shall be referred to the Security Council by the Assembly either before or after discussion.

The regular sessions of the Assembly as a rule begin in New York on the third Tuesday in September each year and continue until mid-December, but special sessions may be called by the Secretary-General at

the request of the Security Council or of a majority of the members of the United Nations. At the start of each regular session, the Assembly elects a new President, twenty-one Vice-Presidents and the Chairmen of the Assembly's seven Main Committees. To ensure equitable geographical representation, the Presidency of the Assembly rotates each year among groups of States who select their own candidate.

The work of the General Assembly is coordinated and to a considerable extent organised by two procedural committees: the *General Committee*, which is made up of the President and Vice-Presidents of the General Assembly and the heads of the seven *Main Committees* and the *Credentials Committee*.

The *Main Committees*, which consider in advance matters placed on the agenda of the General Assembly and (when so requested) make recommendations for consideration by the Assembly in plenary session, are:

First Committee: Disarmament and related international security matters
Special Political Committee

Second Committee: Economic and Financial

Third Committee: Social, Humanitarian and Cultural

Fourth Committee: Trusteeship and non-self-governing territories

Fifth Committee: Administrative and Budgetary

Sixth Committee: Legal

The Special Political Committee was created primarily to relieve the First Committee; and there are two *Standing Committees*: the Committee on Contributions, and the Advisory Committee on Administrative and Budgetary Questions. Subsidiary and *ad hoc* committees are set up from time to time to deal with specific problems.

Voting in the Assembly is by simple majority of the members present and voting, except in the following circumstances, when the necessary majority is the affirmative vote of two-thirds of the members present and voting:

- recommendations with respect to the maintenance of international peace and security,
- the election of non-permanent members of the Security Council,
- the election of members of the Economic and Social Council,
- the election of members of the Trusteeship Council,
- the admission of new members to the United Nations,
- the suspension of the rights and privileges of members,
- the expulsion of members,
- matters relating to the operation of the trusteeship system,
- budgetary questions,
- any other matters considered by the Assembly (by a simple majority of the members present and voting) to be sufficiently important to require a two-thirds majority.

A member in arrears in the payment of its financial contributions to the United Nations is not entitled to vote if its arrears equal or exceed the amount of its contributions due for the preceding two full years, unless the General Assembly is satisfied that failure to pay is due to circumstances beyond the member's control.

Much of the work of the United Nations is conducted on the basis of regional groups: e.g. African States, Asian States, Latin American States and Western European and Other States. For election purposes the USA falls within Western European and Other States.

THE SECURITY COUNCIL

The Security Council consists of fifteen members: China, France, Russia, the United Kingdom and the USA, who constitute the five permanent members; and ten non-permanent members elected by the General Assembly for a term of two years (provided that no member is elected for two consecutive periods). In order that it may function continuously, a representative of each of its members must be present at all times at the United Nations Headquarters. It has primary responsibility for the maintenance of international peace and security, and for this purpose acts on behalf of the members of the United Nations and in accordance with its purposes and principles. The members of the United Nations, for their part, agree to accept and carry out the decisions of the Security Council in accordance with the Charter.

The powers of the Security Council are specified in chapters VI and VII of the Charter. In terms of chapter VI the Council may investigate any dispute or situation which is referred to it by a state or which it considers may lead to international friction; and if it determines that its continuation is likely to endanger the maintenance of international peace and security it will try to resolve it by peaceful settlement.

If it determines the existence of any threat to the peace, breach of the peace or act of aggression, the Security Council is empowered in terms of chapter VII to decide what measures shall be taken to maintain or restore international peace and security; these may take the form of non-violent measures or, if they fail, the use of force by land, sea or air. The provision of armed forces by member states is governed by article 43 of the Charter, and is subject to special agreements requiring ratification between such states and the Security Council.

The Security Council is required to submit annual and, where necessary, special reports to the General Assembly for its consideration, including plans for the establishment of whatever subsidiary organs it may consider necessary for the performance of its functions (e.g. the United Nations Truce Supervision Organisation in Palestine).

The General Assembly or any member state (or a non-member state under certain conditions) may bring to the attention of the Security Council any dispute or situation likely to endanger international peace and security.

Any state, whether it is a member of the United Nations or not, which is a party to a dispute under consideration by the Security Council and is not itself a member of the Council, has the right to participate (but not vote) in the deliberations. Similar provisions apply to any member state which, not being a party to a dispute nor a member of the Security Council, is nevertheless considered by the Council to be affected by the dispute.

In terms of articles 27 and 109(1) of the Charter (as amended), decisions of the Security Council require the affirmative votes of nine members *including the concurring votes of the permanent members*; except (a) on procedural matters and (b) for deciding to hold and for fixing a date and place for a Conference to review the Charter, when the affirmative votes of *any* nine members suffice. Abstentions have not, in practice, always been interpreted in terms of the Charter. Amendments to the Charter require to be ratified by all the permanent members of the Council.

In decisions under chapter VI (peaceful settlement of disputes) and article 52, paragraph 3 (the peaceful settlement of local disputes through regional arrangements) any member of the Security Council who is a party to a dispute is required to abstain from voting.

THE ECONOMIC AND SOCIAL COUNCIL

ECOSOC consists of fifty-four members elected by the General Assembly, and is responsible under the Assembly and in conjunction with the Specialised Agencies and other governmental and non-governmental international organisations for promoting:

- (a) higher standards of living, full employment, and conditions of economic and social progress and development;
- (b) solutions of international economic, social, health, and related problems; and international cultural and educational cooperation;
- (c) universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion.

The Council meets twice a year: in New York in April and in Geneva in July. Decisions in the Council are reached on a simple majority of those members present and voting.

ECOSOC functions on the basis of four *standing committees*, eleven *standing expert bodies*, various *functional commissions* and five *regional commissions*; as well as various *ad hoc* expert bodies.

The *standing committees* are on Non-Governmental Organisations; Programme Coordination; Natural Resources; and Development Planning.

The *functional commissions* are:

- Commission on Statistics
- Commission on Human Rights (including the Sub-Commission on the Prevention of Discrimination and Protection of Minorities)
- Commission for Social Development
- Commission on the Status of Women
- Commission on Narcotic Drugs
- Commission on Population and Development
- Commission on Crime and Criminal Justice
- Commission on Science and Technology for Development
- Commission on Sustainable Development
- Commission on Human Settlements
- Commission on New and Renewable Sources of Energy for Development

The *regional commissions*, which act on behalf of the United Nations in all social and economic matters are:

- Economic Commission for Europe (Geneva)
- Economic and Social Commission for Asia and the Pacific (Bangkok)
- Economic Commission for Latin America and the Caribbean (Santiago, Chile)
- Economic Commission for Africa (Addis Ababa)
- Economic and Social Commission for Western Asia (Baghdad)

THE TRUSTEESHIP COUNCIL

The Trusteeship system was established under the authority of the United Nations for the administration and supervision of certain territories falling within the categories defined in article 77 of the Charter and placed under trusteeship by means of individual agreements with the states directly concerned (including mandatory powers where such already existed). The agreements require the approval of the General Assembly, and the principles of trusteeship are defined in article 76. Eleven territories have been placed under United Nations' Trusteeship, and have now achieved independence. Although its work is completed, the possibility remains for territories to come within the scope of the Council at some time in the future, and it is relevant to note that Trust

territories are directly controlled by the administering states in terms of their particular Trusteeship Agreement; that the Trusteeship Council consists of the administering state and the permanent members of the Security Council; and that it meets annually in New York, receives reports from the administering state, accepts petitions and makes periodic visits of inspection.

THE INTERNATIONAL COURT OF JUSTICE

The International Court of Justice is situated in The Hague and is the principal judicial organ of the United Nations. It functions in accordance with the provisions of its Statute to which all members of the United Nations automatically subscribe. The Court is composed of fifteen suitably qualified judges elected by secret ballot by the General Assembly and by the Security Council (independently) for a term of nine years. They retire in groups of five every three years (their re-election is permitted); and no two judges may be nationals of the same state.

Access to the Court is open to states which subscribe to its Statute, and to non-subscribing states under certain conditions. The functions of the Court are twofold: to give judgement on all contentious cases referred to it by states by mutual consent, and on all matters specially provided for in the United Nations Charter, in treaties or in conventions; and to give advisory opinions on legal questions referred to it by any branch of the United Nations or its Agencies. The Court will normally reach its conclusions in accordance with international treaties and conventions currently in force, international custom and general principles of law. It will also take into consideration judicial comments and decisions, and may reach a decision, if both parties agree, *ex aequo et bono*, i.e. on general principles of fairness and natural justice.

A state may at any time lodge a declaration to the effect that it recognises as compulsory, in relation to any other state accepting the same obligation, the jurisdiction of the Court in certain specific instances. These are listed in article 36(2) of the Statute (the co-called 'Optional Clause'), namely:

- (a) the interpretation of a treaty;
- (b) any question of international law;
- (c) the existence of any fact which, if established, would constitute a breach of an international obligation;
- (d) the nature or extent of the reparation to be made for the breach of an international obligation.

The declaration may be made unconditionally; on condition of reciprocity on the part of several or certain states; or for a certain time. In practice the forty-seven states that have lodged declarations in terms of article 36 have tended to add other provisos.

The official languages of the Court are English and French, but the Court is bound to allow a party to use whatever language it chooses. The procedure consists of two parts: written and oral, and the hearings in Court are public unless the Court decides otherwise or the parties concerned so desire. All questions are decided by a majority vote of the judges present, and in the event of an equality of votes the President or the judge who acts in his place has a casting (i.e. deciding) vote. A judgement is final and without appeal, though the court may subsequently recognise the discovery of fresh evidence of a decisive nature, and permit an application for a revision of judgement to proceed. Since its inception, the Court has delivered sixty judgements on subjects such as land frontiers, marine boundaries, nationality, diplomatic relations and hostage-taking; and twenty-three Advisory Opinions. A further nine contentious cases are awaiting judgement.

The ICJ should not be confused with the International Criminal Tribunal in The Hague which was established by the Security Council in 1993 primarily as an element of leverage in the Bosnian peace process which led up to the Dayton Accord, but which has not yet achieved its full legal potential.

THE SECRETARY-GENERAL AND THE SECRETARIAT

In terms of the United Nations Charter the Secretary-General is the chief administrative officer of the Organisation. He acts as such at all meetings of the General Assembly, the Security Council and the Trusteeship Council, and carries out whatever functions these bodies assign to him. He submits an annual report to the General Assembly on the work of the Organisation, and may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security. He is appointed by the General Assembly on the recommendation of the Security Council for a period of five years, and he is responsible for the appointment of the staff of the Organisation in accordance with the regulations drawn up by the General Assembly. Selection of staff is primarily on the basis of merit, but representation on a balanced geographical basis is also a relevant factor. The Secretary-General and his staff are bound to act as international civil servants and may not seek or receive instructions from any

government, or from any authority outside the Organisation; and member states similarly undertake not to try to influence them in any way.

UN PEACE-KEEPING OPERATIONS

The UN Charter is based on the principle of the sovereignty of the state, and makes provision for the maintenance of peace and security between states: it does not, however, make specific provision for peace-keeping operations within states. Nevertheless such operations are to an increasing extent authorised by the Secretary-General and the Security Council with a specific mandate. The state concerned must give its consent, and provisions relating especially to impartiality and the use of force on the part of the peace-keeping forces are specified. The basic conditions are that peace-keeping forces will in no way seek to influence the outcome of a dispute or be perceived as doing so; and that they will use force only if directly attacked or, to a lesser extent, if their property is under direct threat. The UN Secretary-General defines peace-keeping in 'An Agenda for Peace' as 'a technique that expands the possibilities for both the prevention of conflict and the making of peace'. He then defines four additional forms of related activities:

1. *Preventative diplomacy* is action to prevent disputes from arising between parties, to prevent disputes from escalating into conflicts and to limit the spread of the latter when they occur.
2. *Peace-making* is action to bring hostile parties to agreement by peaceful means. Means for peace-making would be negotiation, inquiries, methods of reconciliation, arbitrations or methods of judgement, and the help of the territorial organisations and agreements. Parties concerned normally involve the United National military and/or police personnel and frequently civilians as well.
3. *Peace-building* is action to identify and support structures which will tend to strengthen and solidify peace in order to avoid a relapse into conflict.
4. *Peace enforcement* is action to enable the United Nations to deploy troops quickly to enforce a cease-fire by taking coercive action against either party or both, if they violate it. This kind of operation would be authorised by the Security Council.

Since 1948 the UN has authorised 31 military observer or peace-keeping operations, including – as examples of their diversity – the UN Mission for the Referendum in Western Sahara, the UN Mission of Observers in Tajikistan (UNMOT), UN Assistance Mission to Rwanda (UNAMIR) and the UN Peace-keeping force in Cyprus.

The Department of Peace-keeping operations comes under the direction of the Secretary-General.

INTERGOVERNMENTAL AGENCIES RELATED TO THE UNITED NATIONS (INCLUDING SPECIALISED AGENCIES)

The intergovernmental agencies related to the United Nations by special agreements are separate, autonomous organisations which work with the United Nations and each other through the coordinating machinery of the Economic and Social Council. Sixteen of the agencies are known as specialised agencies, a term used in the United Nations Charter. They report annually to the Economic and Social Council. The International Atomic Energy Agency (IAEA), established in 1957 under the aegis of the United Nations, reports annually to the General Assembly and, as appropriate, to the Security Council and the Economic and Social Council.

FOOD AND AGRICULTURE ORGANISATION

The FAO has extensive functions covering all aspects of food production and related activities. It collects, reviews, and makes available information and statistics on world agriculture, forestry and fisheries; it includes within its scope production, trade, consumption, nutrition, marketing, land tenure, and the protection of natural resources. It arranges for the provision of technical experts, assists in the negotiation of commodity and other related agreements, and encourages sustainable agriculture and rural development. The primary aim is to meet the needs of both present and future generations by promoting development that does not degrade the environment, is technically appropriate, economically viable and socially acceptable. Policy is determined by a Conference of representatives of all member countries which meets every two years and on which each member state is represented; responsibility in the period between its sessions rests with a Council of forty-nine elected by the Conference.

The Director-General and Secretariat are in Rome, and there are regional offices in Accra, Bangkok, Santiago and Cairo, and liaison offices in Washington and New York.

INTERNATIONAL ATOMIC ENERGY AGENCY

The IAEA encourages and coordinates research into the peaceful uses of atomic energy. It advises members on such subjects as the development of nuclear power, the uses of radioactive material in the fields of

medicine, agriculture, etc., the disposal of radioactive waste, and water desalination; it provides experts where necessary, and offers research fellowships and training facilities.

In addition to its purely technical role the IAEA has increased responsibility under the 1968 Treaty of the Non-proliferation of Nuclear Weapons for ensuring adequate safeguards and preventing the diversion of nuclear energy from peaceful uses to nuclear weapons in those non-nuclear states which are signatories of the treaty.

It is also responsible for implementing the International Nuclear Information System (INIS) which collects and disseminates information relating to nuclear matters. There are 115 members. The headquarters of the Agency is at the UN City in Vienna, and it is controlled by an annual Conference of member states and a Board of Governors of thirty-four.

INTERNATIONAL CIVIL AVIATION ORGANISATION

Established in 1944 in Chicago, ICAO was formed to assure the safe, orderly and economic development of world civil air transportation. ICAO has developed a worldwide system of standards, practices and rules common to all nations. The Organisation serves the world today as a medium through which over 180 nations cooperate to ensure safety for the air-travelling public and for agreement in the technical, economic and legal fields of civil aviation.

The legislative body of ICAO is the Assembly which is composed of representatives of all member states and meets at least once in three years to review in detail the work of the Organisation performed during the last triennium and to decide on future policies.

The Council, which is the executive body of ICAO, comprises thirty-three members elected by the Assembly; they must be representative of the major civil aviation interests and facilities, as well as providing representation on a worldwide basis. The Council is responsible to the Assembly and meets in virtually continuous session. One of the major duties of the Council is to adopt international standards and recommended practices and to incorporate these as Annexes to the Convention on International Civil Aviation. It directs the work of the Organisation, establishes and supervises subsidiary technical committees, can act as arbiter between member states on matters concerning the interpretation and application of the Chicago Convention, provides technical assistance to developing nations, elects the President, appoints the Secretary-General, administers the finances of the Organisation and considers any matter relating to the Convention which any contracting state refers to it.

The Council is assisted by the Air Navigation Commission (in technical matters), the Air Transport Committee (in economic matters), the

Committee on Joint Support of Air Navigation Services, the Finance Committee and the Legal Committee.

The headquarters of ICAO are in Montreal and there are regional offices in Bangkok, Cairo, Dakar, Lima, Mexico City, Nairobi and Paris.

INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

The agreement establishing the International Fund for Agricultural Development (IFAD) was adopted on 13 June 1976 at a United Nations conference. It was opened for signature on 20 December 1976, following the attainment of initial pledges of US\$1 billion, and entered into force on 30 November 1977. The main purpose of IFAD is to mobilise additional resources to help developing countries improve their food production and nutrition, fisheries, processing and storage – and concentrate on rural areas. Its primary goal is to help efforts to end chronic hunger and malnutrition. It lends money for projects which will have a significant impact on improving food production in developing countries, particularly for the benefit of the poorest sections of the rural populations. It seeks to bring small farmers and the landless into the development process; thus, the fund is concerned not only with production objectives but with the impact each project may have on employment, nutrition and income distribution. Loan operations of IFAD fall into two groups: projects initiated by the Fund and projects 'co-financed' with other financial and development institutions, such as the World Bank and IDA and the various development banks (African, Asian, Inter-American, Islamic). IFAD loans represent only a part of total project costs; the governments concerned contribute a share.

The Fund's operations are directed by the Governing Council, on which all member states are represented, each of the three categories of members (developed countries, oil-exporting developing countries and other developing countries) having the same number of votes. Thus, the donor countries hold two-thirds of the total number of votes and the developing countries, at the same time, hold two-thirds of the votes. Current operations are overseen by the Executive Board, composed of eighteen Executive Directors, six from each of the three constituent categories, and eighteen alternates, and chaired by the President of the Fund. The headquarters of the fund are in Rome.

INTERNATIONAL LABOUR ORGANISATION

The ILO was founded in 1920 and seeks to raise the standards and dignity of human labour throughout the world. In particular it encourages

freedom of association and the rights of workers' organisations. It formulates conventions, makes recommendations, receives reports on labour conditions and related matters, and undertakes research and enquiries. Policy is determined by a Conference of all members which meets annually, member states being represented by two government delegates, one employers' delegate and one employees' delegate, and decisions being on the basis of a two-thirds majority. The executive of the organisation is the fifty-six-member Governing Body which meets quarterly and is responsible for determining programmes, convening conferences, preparing the budget and appointing the Director-General. It is part-nominated and part-elected by the Conference, and consists of twenty-eight government members, fourteen employers' members and fourteen employees' members. In order to play a more positive role in major international councils on social and economic development a policy of decentralisation of activities and resources was introduced under the ILO's Active Partnership Policy.

The ILO has its headquarters and secretariat (the International Labour Office) in Geneva, regional offices in Addis Ababa, Bangkok, Istanbul and Lima, and an International Centre for Advanced Technical and Vocational Training in Turin.

INTERNATIONAL MARITIME ORGANISATION

The organisation changed its name from Inter-governmental Maritime Consultative Organisation (IMCO) to International Maritime Organisation (IMO) in May 1982. It is responsible for international cooperation in all technical matters relating to shipping. It was established on the basis of the Maritime Convention which resulted from the United Nations Maritime Conference held in Geneva 1948, and seeks to improve maritime safety and prevent maritime pollution from ships, disseminates information, convenes conferences, and promotes and administers international maritime conventions. It has an Assembly of all member states meeting every second year and a Council of twenty-four. There are five main Committees: on maritime safety, legal matters, marine environment protection, the facilitation of maritime trade and technical cooperation. The headquarters and Secretariat are in London.

INTERNATIONAL TELECOMMUNICATIONS UNION

The ITU is the body responsible for international cooperation, research and the dissemination of knowledge in all branches of telecommunications, and for the administration of its Convention. Policy decisions are made by a Plenipotentiary Conference of all member states meeting every five years; executive control lies with the Administrative Council

elected by the Assembly and meeting annually, and their three permanent organs: the International Frequency Registration Board, the International Radio Consultative Committee and the International Telegraph and Telephone Consultative Committee. The General Secretariat is in Geneva.

THE INTERNATIONAL MONETARY FUND

The International Monetary Fund is an intergovernmental organisation based on a treaty drafted at Bretton-Woods, New Hampshire, in 1944 (amended in 1969 and in 1978), and membership of the Fund is a prerequisite of membership of the World Bank. Current membership is 181 countries.

The essential purpose of the Fund is to promote international monetary cooperation and thereby foster expanded international trade. It is a permanent forum where countries can work to coordinate their economic and financial policies, and is concerned not only with the problems of individual countries but also with the working of the international monetary system. As the world monetary system has changed, so too has the Fund, but the underlying purposes of the organisation and of membership in it remain the same. It has both regulatory and financing functions.

Members agree to abide by a code of economic behaviour and to cooperate with the Fund and with each other in order to ensure orderly exchange arrangements, to promote exchange stability and to avoid restrictions that would harm national and international prosperity. The Fund is required to exercise surveillance over their exchange rate policies and it maintains a large pool of currencies from which to help finance the temporary imbalances of its members, and this financial assistance – provided for short-term to medium-term periods and usually subject to conditions – allows member countries to correct their payment imbalances without having to resort to the trade and payment restrictions that they have pledged themselves to avoid. The policy adjustments that countries make in connection with the use of Fund resources support their creditworthiness and thereby facilitate their access to financial markets. In 1969, the Fund created SDRs (special drawing rights) as a reserve asset. One SDR equals approximately US\$0.70.

The work of the Fund is carried out by a Board of Governors, an Executive Board, a Managing Director, and staff. Each member country is represented by a Governor and an Alternate Governor on the Board of Governors, which is the Fund's senior decision-making body. The Board of Governors meets annually, but may be asked by the Executive Board to vote on important matters by mail or cable between meetings. A member country's voting power is related to its subscription to the Fund's financial resources, and is broadly reflective of its

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relative size in the world economy (i.e. trade, gross national product and monetary reserves). The daily business of the Fund is conducted at its headquarters in Washington, DC, by an Executive Board consisting of twenty-four Executive Directors, chaired by the Managing Director. Each of the five members having the largest quotas, and thus the highest voting power – the United States, the United Kingdom, Germany, France and Japan – appoints an Executive Director. In addition, there are three Executive Directors representing single country constituencies: China, Russia and Saudi Arabia. Sixteen Executive Directors are elected by members or groups of member countries.

The Board of Governors is advised on policy issues by two ministerial-level committees whose membership reflects that of the Executive Board: the Interim Committee of the Board of Governors on the International Monetary System and the Joint Ministerial Committee of the World Bank and the Fund on the Transfer of Real Resources to Developing Countries (the Development Committee). The Interim and Developing Committees normally meet twice a year – in the spring at Fund headquarters in Washington, and in the autumn at the site of the Annual Meetings of the Fund and Bank.

The Fund also maintains small permanent offices in Paris, in Geneva, and at the United Nations in New York.

Exchange-rate policies

Since the early 1970s, the international monetary system has undergone major changes. The Bretton Woods agreement, founded on a system of par values fixed in terms of gold, came to an end in practice after the decision by the United States in 1971 no longer to convert dollars into gold or other reserve assets. As a consequence, countries were obliged to choose new exchange arrangements, a situation recognised in the Second Amendment (1978) to the Fund's Articles of Agreement. The major economic countries opted for a freely floating exchange rate, but the majority of individual countries maintain a fixed exchange rate pegged either to another currency, to the SDR or to some other basket of major currencies. The members of the European Monetary System (EMS) undertake to maintain fixed margins for the exchange rates of their currencies *vis-à-vis* other currencies within the group, but the rates for these currencies are allowed to fluctuate with respect to currencies outside the group.

Consultations

The Fund conducts consultations with each member country – in principle, annually – to appraise the member's economic and financial situation and policies. The consultation procedure begins with meetings in the member country between Fund staff and representatives of the member government. On the basis of these discussions, the staff prepares a

report on economic conditions and policies for the Executive Board. The Board then discusses and comments on the report. The Board's views, as summarised by the Managing Director, are then transmitted to the member government by the Fund.

Quotas and resources

The Fund's resources stem largely from its members' subscriptions, and these are based on a quota system which broadly reflects a member's weight in the world economy. Quotas also determine the voting power of members, their contributions to the Fund's resources, their access to these resources, and their share in allocations of SDRs.

While subscriptions constitute its basic resources, the Fund supplements them by borrowing. Under the General Arrangements to Borrow (GAB), which became effective in October 1962, ten industrial member countries together with non-member Switzerland (constituting the eleven-member 'Group of Ten') extended credit lines to the Fund. The GAB has been renewed periodically, and in 1984 Saudi Arabia associated itself with the other eleven participants.

Additionally, the IMF agreed in 1997 to establish (subject to confirmation) a scheme entitled *New Arrangements to Borrow* (NAB) as a facility of first recourse whereby twenty-four countries agree to make loans to the Fund totalling SDR34 billion (approximately US\$48 billion) wherever additional resources are needed to forestall or cope with an impairment of the international monetary system, or to deal with an exceptional situation that poses a threat to the stability of the system. Participants in the NAB are Australia, Austria, Belgium, Canada, Denmark, the Deutsche Bundesbank, Finland, France, Italy, Japan, Korea, Kuwait, Luxembourg, Malaysia, the Netherlands, Norway, Saudi Arabia, Singapore, Spain, the Sveriges Riksbank, the Swiss National Bank, Thailand, the United Kingdom and the United States of America.

Financial facilities

Members have access to the financial resources of the Fund under a variety of permanent and temporary facilities to help meet balance of payments needs. The mechanics of the transaction are as follows. The member uses its own currency to 'purchase' from the Fund an equivalent amount of the currencies of other members (or SDRs), and these in turn can be used to finance the member's balance of payments deficit or to supply its need for reserves. Within a specific period – or earlier if the member's balance of payments and reserve position improves – the member must repay the Fund by repurchasing with SDRs or the currencies of other members specified by the Fund the amount of its own currency that it used in order to make the drawing, except to the extent that the Fund sells the member's currency. Credit from the Fund is available in four tranches, each tranche being the equivalent of 25 per cent of the quota.

If the country suffers serious payments imbalances related to structural problems in production, trade, or prices, the adjustment process is likely to require both a longer period of time and greater resources than normally permitted under the credit tranche facility. In such situations, the member may make use of the *Extended Fund Facility*, under which up to 140 per cent of its quota may be purchased beyond the first credit tranche. Depending on whether the credit tranche or the extended Fund facility is used, resources are provided through lines of credit called *stand-by* or extended arrangements, and normally take place over a period of one year, although the period may be extended up to three years. Drawings are repayable within three to five years under the credit tranche facility and four to ten years under the extended Fund facility.

When a member receives financial assistance under the Fund's credit facilities, it must adopt a programme of specific measures to overcome its payments imbalance and thus provide assurance that it can repay the funds received. This aspect of Fund policies is known as *conditionality*. The Fund staff help member countries design adjustment programmes having due regard to their domestic, social and political objectives, economic priorities, and general circumstances. Drawings under both the credit tranche policy and the extended Fund facility are subject to a one-time service charge of 0.5 per cent, plus a charge at an annual rate on outstanding drawings.

The Fund also makes resources available under two special purpose facilities: the compensatory and the buffer stock financing facilities. *Compensatory financing* is available to members facing payments difficulties resulting from temporary shortfalls in their export earnings that are due largely to conditions beyond their control, such as falling commodity prices or natural disasters, including bad weather. In 1981, this facility was broadened to provide assistance to members facing payments difficulties owing to an excess in the cost of cereal imports. *Buffer stock financing*, available up to 45 per cent of quota, is available to members having payments difficulties to finance their contributions to international buffer stocks that are maintained to stabilise world markets for commodities.

Structural adjustment facility

The structural adjustment facility provides loans to low-income member countries that are facing protracted balance of payments problems and that agree to undertake medium-term structural adjustment programmes.

SDRs (special drawing rights)

The SDR is an international reserve asset created by the Fund to supplement existing reserve assets. It is the unit of account of the Fund,

and is also used as such by a number of international and regional organisations and in capital markets as a denominator and a unit of contract, such as in SDR-denominated deposits with commercial banks. It is the members' declared intention, expressed in the Fund's Articles, that the SDR shall eventually become the principal reserve asset in the international monetary system. The method of valuation of the SDR is determined by the Fund, and since January 1981, the 'basket' has consisted of the currencies of the five members with the highest value of exports of goods and services.

Technical assistance

Member countries of the Fund may make use of its technical assistance for helping to improve the management of their economies. Experts sent to member countries by the Fund advise on fiscal, monetary, and balance of payments policies, central and general banking, statistics, accounting, exchange and trade systems, and operational aspects of Fund policies.

THE WORLD BANK

The World Bank's goal is to reduce poverty and improve living standards by promoting sustainable growth and investment in people. The bank provides loans, technical assistance, and policy guidance to help its developing-country members achieve this objective.

The following form part of the World Bank group:

The International Bank for Reconstruction and Development (IBRD) – founded in 1944 – is the single largest provider of development loans to middle-income developing countries and a major catalyst of similar financing from other sources. While the World Bank has traditionally financed a wide variety of capital infrastructure such as roads and railways, telecommunications, and ports and power facilities, its development strategy also places an emphasis on investments that can directly affect the well-being of the masses of poor people of developing countries by making them more productive and by integrating them as active partners in the development process. It also works on a basis of partnership with non-governmental organisations, UN agencies, the business community, regional organisations, and its 179 member countries.

The Bank's concept of 'development' is based on targeting 'human needs' rather than relying on the 'trickle down' theory, and special emphasis is placed on sustainability, environmental protection, the increased participation of women in economic decision-making, family planning, greater transparency and open forms of government and recognition of the benefits of entrepreneurship, competitive private sector

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activity and a 'market friendly' approach to development. It also provides assistance for the process of economic transition undertaken in Russia, the Baltics, and the countries of East and Central Europe.

The Bank's capital is subscribed by its member countries, and it finances its lending operations primarily from its own borrowing in the world capital markets. A substantial contribution to the IBRD's resources also comes from its retained earnings and the flow of repayments on its loans. These generally have a grace period of five years and are repayable over twenty years or less. They are directed towards developing countries at more advanced stages of economic and social growth. The interest rate that the IBRD charges on its loans is calculated in accordance with a guideline related to its cost of borrowing. The IBRD's Charter spells out certain basic rules that govern its operations. It must lend only for productive purposes, and must stimulate economic growth in the developing countries where it lends. It must pay due regard to the prospects of repayment, and each loan is made to a government or must be guaranteed by the government concerned. The use of loans cannot be restricted to purchases in any particular member country, and the IBRD's decision to lend must be based on economic considerations.

The International Development Association (IDA), founded in 1960, assists the poorest countries by providing interest-free credits. The terms of IDA credits, which are made to governments only, are ten-year grace periods, up to fifty-year maturities, and no interest. In all some sixty countries are eligible for such loans. IDA is primarily funded by government contributions.

The International Finance Corporation (IFC), established in 1956, assists the economic development of less-developed countries by promoting growth in the private sector of their economies through loan and equity financing as well as advisory services, and helping to mobilise domestic and foreign capital for this purpose. Membership in the IBRD is a prerequisite for membership of the IFC. Legally and financially, the IFC and the IBRD are separate entities. The IFC has its own operating and legal staff, but draws upon the Bank for administrative and other services.

The Multilateral Investment Guarantee Agency (MIGA) – offers investors insurance against non-commercial risk and helps governments in developing countries to attract foreign investment.

The International Center for the Settlement of Investment Disputes (ICSID) – encourages the flow of foreign investment to developing countries through arbitration and conciliation facilities.

UNITED NATIONS EDUCATIONAL SCIENTIFIC AND CULTURAL ORGANISATION

The aims of UNESCO are concentrated on practical projects for raising educational standards throughout the world, the exchange of knowledge, and the encouragement of international cooperation in the fields of education, science and culture. It seeks to provide better living conditions through scientific research and cooperation and to improve the scope and quality of mass communication throughout the world. It has its headquarters and Secretariat in Paris, and is controlled by a General Conference of all member states meeting every two years and an Executive Board of fifty-one meeting at least three times a year. National commissions extend the sphere of UNESCO activities to include the majority of member countries, and there are branch offices in New York and Havana; regional education offices in Santiago, Bangkok, Dakar and Beirut; and regional science offices in Nairobi, Montevideo, Cairo, Delhi and Jakarta.

UNITED NATIONS DEVELOPMENT PROGRAMME

UNDP became a specialised agency of the UN on January 1 1986. It is an amalgam of the United Nations Special Fund and the Expanded Technical Assistance Programme providing technical advice and aid to developing countries, its funds being obtained from donations by member states. In partnership with governments it undertakes high priority, pre-investment projects; makes available experts and consultants as well as specialised equipment and contract services, and offers fellowship awards for training abroad. Assistance is given in support of projects to increase agricultural and industrial productivity, to conduct feasibility studies and to establish or expand applied research institutes and facilities for training and education, as well as to strengthen the administrative and institutional framework for development, and work in a variety of other essential fields.

The UNDP is controlled by a Governing Council composed of forty-eight members elected by ECOSOC and maintains Resident Representatives in nearly one hundred recipient countries. Its headquarters are in New York.

UNIVERSAL POSTAL UNION

The UPU is responsible for the maintenance and development of postal services throughout the world. It has its headquarters in Berne and is controlled by the Universal Postal Congress composed of all member

states meeting every five years and a permanent Executive Council of forty-one elected on a geographical basis by the Congress which meets annually.

WORLD HEALTH ORGANISATION

The aim of the WHO is the improvement of world standards of health – principally physical, but also mental and social. In view of the extent and diversity of the problems it has to face it has established regional offices in Alexandria, Brazzaville, Copenhagen, Delhi, Manila and Washington, and committees of experts in a wide number of fields. It has its headquarters and Secretariat in Geneva and is controlled by the World Health Assembly consisting of all member states meeting annually and an Executive Board of thirty-one elected by the Assembly.

WORLD INTELLECTUAL PROPERTY ORGANISATION

WIPO became a Specialised Agency in December 1974, and is responsible for the promotion, through cooperation among member states, of worldwide protection of Intellectual Property which the Organisation defines as inventions, trademarks, designs and copyrights. The agency is also responsible for the administration of various 'Unions' comprising groups of states which are parties to a particular Convention, e.g. the Berne Convention on Copyright. A substantial part of the activities and resources of WIPO is devoted to assistance in developing countries, particular emphasis being laid on the transfer of technology. The headquarters of the organisation are in Geneva, where an annual Conference of all member states is held to plan the next year's activities and budget, and also where the majority of the almost daily technical meetings are held. The conference is normally a joint one with the General Assembly of those states party to the Berne or Paris 'Unions'.

WORLD METEOROLOGICAL ORGANISATION

The WMO seeks to maintain and improve international cooperation and coordination in the field of meteorological services, in particular the exchange and standardisation of weather data and the establishment of a worldwide network of meteorological stations. It encourages research and training in meteorology, and furthers the study of the application of meteorology to shipping, water usage, agriculture, and other human activities. It has its headquarters and Secretariat in Geneva and is controlled by the World Meteorological Congress composed of the heads

of the meteorological services of member states meeting every four years and an Executive Committee of twenty-nine meeting annually.

SUBSIDIARY ORGANISATIONS

As the United Nations has developed, the General Assembly has found it necessary to establish several new organisations in order to fulfil its obligations satisfactorily. All vary considerably in scope and constitution, but all depend ultimately on the General Assembly.

HUMAN RIGHTS

International intervention in support of human rights has existed for a very long time and in a wide variety of forms. It received a major impetus with the adoption of the Covenant of the League of Nations and the subsequent establishment of the International Labour Organisation in 1919, but human rights in the widest sense became a definitive factor in international relations with the adoption of the *Universal Declaration of Human Rights* by the General Assembly on 10 December 1948. The Assembly called upon all member countries to publicise the text and 'to cause it to be disseminated, displayed, read and expounded principally in schools and other educational institutions, without distinction based on the political status of countries or territories'.

On the basis of the Declaration, two international instruments have been drawn up:

- the *International Convention on Economic, Social and Cultural Rights* which came into effect on 3 January 1976 and which has been ratified or acceded to by eight-four states; and
- the *International Covenant on Civil and Political Rights* and the *Optional Protocol* which came into force on 23 March 1976. Eighty-one states have ratified or acceded to the Covenant, and thirty-four have ratified or acceded to the Optional Protocol.

It is the responsibility of the Economic and Social Council, in terms of article 62 of the Charter, to 'make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all', and such matters are normally dealt with by the Council's Second (Social) Committee. The Council has also established the *Commission on Human Rights* and the *Commission on the Status of Women*.

The Commission on Human Rights meets annually for a period of approximately six weeks and may concern itself with any matter relating

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to human rights. It is composed of representatives of forty-three member states, and its subsidiary bodies include the Sub-Commission on the Prevention of Discrimination and Protection of Minorities, and various working parties.

The Commission on the Status of Women is composed of representatives of thirty-two member states of the United Nations and meets twice a year for periods of three weeks. Its main task is to prepare draft resolutions and decisions for consideration by the Economic and Social Council, and on 18 December 1979 the General Assembly adopted the *Convention on the Elimination of All Forms of Discrimination against Women* which entered into force on 3 September 1981. This establishes, *inter alia*, a twenty-three-member Committee on the Elimination of Discrimination against Women which reports annually to the General Assembly.

The Human Rights Committee was established in 1977 under the provisions of the International Covenant on Civil and Political Rights in order to monitor the progress of member states in the implementation of human rights. It consists of eighteen members of high moral character and recognised competence in the field of human rights, elected by states which are party to the Convention from among their nationals and who act in a personal capacity for a four-year term. The Committee may receive complaints from states and also, in respect of those states signatories of the Optional Protocol, from individuals. It normally holds three sessions annually, and reports to the General Assembly.

The task of enforcing human rights under the direction of the UN High Commissioner for Human Rights is constantly to the forefront of United Nations activities, and in addition to the formal framework established under the Charter, the General Assembly and its specialised agencies have from time to time agreed Declarations and resolutions on pressing issues such as Apartheid and all forms of racial discrimination, Victims of Torture and Migrant Workers, as well as on situations arising in specific countries.

INTERNATIONAL LAW COMMISSION

The ILC was set up by resolution of the UN General Assembly in November 1947. The body consists of thirty-four distinguished international lawyers, who are elected by the General Assembly for a five-year period of office, and exists to encourage 'the progressive development of international law and its codification'. The members of the Commission are not government representatives but are elected on a personal

basis and sit in their personal capacity as experts. The ILC conducts its sessions in Geneva.

INTERNATIONAL RESEARCH AND TRAINING INSTITUTE FOR THE ADVANCEMENT OF WOMEN

INSTRAW was established by the General Assembly in 1985 and seeks to stimulate and assist, through research, training and the collection and exchange of information, the efforts of inter-governmental, governmental and non-governmental organisations aimed at the advancement of women in development both as participants and beneficiaries. The Institute is funded by voluntary contributions and is situated in Santo Domingo, Dominican Republic.

OTHER CONSULTATIVE BODIES

Of the special committees and commissions set up by the General Assembly from time to time for specific purposes those listed above have acquired a permanent or semi-permanent nature; others, equally dependent on the General Assembly, have not become institutionalised to the same extent. In addition to those with a purely organisational or administrative function they deal with peace-keeping and security, political matters, decolonisation and questions relating to trusteeship, legal, scientific, and educational matters; they include:

Commission for the Unification and Rehabilitation of Korea
Committee on the Peaceful Uses of Outer Space
Conciliation Commission for Palestine
Scientific Committee on the Effects of Radiation
Working Group on Direct Broadcasting Satellites
United Nations University (Tokyo)
World Food Council

UN CONFERENCE ON DISARMAMENT AND THE DISARMAMENT COMMISSION

The Conference on Disarmament stems from an agreement by the USA, the then USSR, France and the UK in 1959 to set up a Ten Nation Committee on Disarmament to include representatives of their four countries together with Bulgaria, Canada, Czechoslovakia, Italy, Poland and Romania. In 1961 it was expanded into an Eighteen Nation Disarmament

Committee, and again in 1969 to twenty-six members, when it was renamed the Conference of the Committee on Disarmament (CCD). At the first UN Special Session on Disarmament (UNSSD) in 1978 it was increased to forty members, and its name was changed back to the Committee on Disarmament (CD). Its name was changed again to the Conference on Disarmament in 1984. The Conference meets twice a year, from February to April and from June to August, in Geneva. It is the only multilateral negotiating body of the international community as a whole in the field of disarmament.

The UN Disarmament Commission (UNDC), in contrast, is a deliberative body. It was first formed under the Security Council in 1952 with a membership of eleven states, subsequently increased to twenty-five in 1957 and then a year later it was increased to comprise all members of the UN. The UNDC did not meet from 1965 until 1979, but following its revival by the first Special Session on Disarmament substantive sessions of the UNDC are held once a year in New York.

UNITED NATIONS CHILDREN'S EMERGENCY FUND

UNICEF provides aid and welfare to children throughout the world. It assists specific projects in the fields of health, nutrition, family and child welfare, education and vocational training; provides basic equipment for maternal and child health centres, and training and stipends for their staff; helps campaigns against endemic diseases; encourages increased production and consumption of protective foods; provides aid for basic social services for children in developing countries, and emergency help to children who are victims of floods, earthquake, drought or other disasters. It comes under the aegis of ECOSOC and obtains its funds in the form of donations from governments and private sources. The Executive Director is appointed by the UN Secretary-General in consultation with the Board of thirty-one members which meets annually to determine policy. The Fund is based in the UN Secretariat in New York, with regional officers in Abidjan, Bangkok, Bogota, Copenhagen, Kathmandu, Sydney and Tokyo.

UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT

UNCTAD originally met in 1964 as a Conference convened by the General Assembly in order to help restructure the traditional patterns of international trade in the interests of developing countries. It became institutionalised as an organ of the General Assembly, and reports to

the General Assembly through the Economic and Social Council. Its purpose is to obtain fair and stable prices for primary commodities, to facilitate trade and development, and in particular to enable developing countries to gain access to the markets of developed countries. It has its headquarters and Secretariat in Geneva, and is controlled by a Conference of its members meeting every four years and a Trade and Development Board consisting of 124 members elected by the Conference and meeting annually. It has seven main Committees: Shipping; Manufactures; Commodities; Invisibles and Financing related to Trade; Economic Cooperation among Developing Countries; Transfer of Technology and the special Committee on Preferences; also various sub-committees, working parties and *ad hoc* committees of experts. Among the major achievements of UNCTAD are the Generalised System of Preferences and the concept of solidarity and cooperation among developing countries.

UNITED NATIONS ENVIRONMENT PROGRAMME

The UNEP was established as a result of the United Nations Conference on the Human Environment held in Stockholm in 1973. Its major purpose is to encourage and coordinate policies for the reduction of pollution in its various forms, and to carry out research and relevant studies. Its headquarters and Secretariat are in Nairobi, with regional offices in Bahrein, Bangkok, Cairo, Geneva, Mexico City and New York.

UNITED NATIONS FUND FOR POPULATION ACTIVITIES

The UNFPA was established in 1967 and comes under the direction of the Administrator of the UNDP. The Fund considers the wider aspects of population activities including the status of women. It concentrates on monitoring population trends and evaluating national policies, and reports at intervals to the Economic and Social Council on its findings. A major objective was the holding of a population census by member countries between 1975 and 1985.

UNITED NATIONS HIGH COMMISSION FOR REFUGEES

The origins of the UNHCR are to be found in the aftermath of the First World War and the establishment by the League of Nations of the principle that the international community of states has a duty to provide

refugees with protection and find solutions to their problems. Following the Second World War, the UN established the International Refugee Organisation in order to continue the work of the League, and this was superseded in 1951 by the UNHCR, with the task of 'providing international protection . . . and . . . seeking permanent solutions for the problems of refugees'.

The activities of UNHCR and the obligations of the signatories were specified in the 1951 Convention Relating to the Status of Refugees and the subsequent 1967 Protocol (126 states subscribing to the former and 118 to the latter) which clarifies and extends the definition of the term 'refugee' and establishes the social and legal status of refugees. Regional definitions and principles have been adopted to meet special circumstances, in particular the 1969 Organisation of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa and the 1984 Cartagena Declaration on Refugees.

The UN High Commissioner for Refugees is elected by the UN General Assembly on the nomination of the Secretary General. The General Assembly and ECOSOC provide policy directives, and the Executive Committee composed of forty-seven member-government representatives supported by two sub-committees put them into effect.

UNITED NATIONS INDUSTRIAL DEVELOPMENT ORGANISATION

UNIDO was established by the General Assembly in 1966 for the purpose of encouraging and implementing United Nations efforts in the field of industrial development, particularly by carrying out research studies on behalf of developing countries. Its governing body, the Industrial Development Board, is elected by the General Assembly and reports to the Assembly through ECOSOC; and its Secretariat is at the UN City in Vienna.

UNITED NATIONS INSTITUTE FOR TRAINING AND RESEARCH

UNITAR seeks to contribute to the process of modernisation and development through the better use of the training of human resources. It carries out training programmes in diplomatic practice, international organisation and technical and economic cooperation, and has as a major objective the creation of a corps of personnel of the highest calibre, particularly from the developing countries, equipped to serve in assignments within the United Nations or with national services connected with the work of the UN. A Board of Trustees determines policy, and the Executive Director and headquarters are in New York.

UNITED NATIONS RELIEF AND WORKS AGENCY FOR PALESTINE REFUGEES AND THE NEAR EAST

UNRWA provides aid and assistance to Palestine refugees in the Near East, and endeavours to arrange for their permanent settlement; it was originally established as an *ad hoc* committee by the United Nations General Assembly, and is supported by donations from governments and private sources. Its main concern is the provision of food, clothing and shelter, education and health services. It is controlled by an Advisory Committee, and the Commissioner-General has his headquarters in Vienna.

INTERNATIONAL ORGANISATIONS AND AGREEMENTS OUTSIDE THE UNITED NATIONS

ARAB LEAGUE/THE LEAGUE OF ARAB STATES

The League of Arab States is an association of states having a common heritage and mutual interests, based on the Cairo Pact of the League of Arab States in 1945, supplemented by the 1959 Treaty of Mutual Defence and Cooperation. The objects of the League are to strengthen the bonds between member countries; to coordinate their political activities so as to ensure their independence and sovereignty, and to promote the interests of Arab countries. It also seeks close collaboration in the fields of culture, health, social welfare, transport and communications, passports, visas and nationality laws, and economic and financial matters including trade, customs, currency, agriculture and industry; and provides that in the event of aggression or a threat of aggression a member state may request a meeting of the Council of the League. The members are Algeria, Bahrain, Comoros, Djibouti, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco, Oman, Palestine, Qatar, Saudi Arabia, Somalia, Sudan, Syria, Tunisia, United Arab Emirates, and Yemen. The League of Arab States has observer status in the General Assembly and in its subsidiary organisations; and the Secretariat and Headquarters of the League are in Cairo.

ASIA-PACIFIC ECONOMIC COOPERATION

The Asia-Pacific Economic Cooperation (APEC) was formed in 1989 in response to the growing interdependence among Asia-Pacific economies. Its objectives are to sustain economic growth of the APEC region and of the world; to enhance positive gains by encouraging the

flow of goods, services, capital and technology; to develop and strengthen the open multilateral trading system and reduce those barriers to trade in goods and services that are inconsistent with the World Trade Organisation principles. The three pillars of APEC are trade and investment liberalisation; trade and investment facilitation; and economic and technical cooperation, the latter aiming to assist the developing member countries in enhancing their economic progress so that they will be in a position to take part in the trade and investment liberalisation process. A specific objective is to achieve free trade and investment in the Asia-Pacific area by the year 2020, with industrialised countries achieving this goal by 2010. Special emphasis is also placed on increasing the role of the private sector in the development of the area.

Ministerial Meetings are held every year, and subjects discussed have included education; energy; the environment and sustainable development; finance; human resources development; science and technology cooperation; small and medium enterprises; the telecommunication and information industry; trade; and transportation. In addition, there are ten Working Groups, namely fisheries; human resources development; industrial science and technology; marine resource conservation; regional energy cooperation; telecommunications; tourism; trade and investment data; trade promotion; and transportation.

The APEC members are Australia, Brunei, Canada, Chile, China, Indonesia, Japan, Republic of Korea, Malaysia, Mexico, New Zealand, Papua New Guinea, Philippines, Singapore, Chinese Taipei, Thailand and the United States of America. The ASEAN Secretariat, the Pacific Economic Cooperation Council (PECC) and the South Pacific Forum (SPF) have observer status. The Secretariat of APEC, headed by the Executive Director, is in Singapore.

ASSOCIATION OF SOUTH-EAST ASIAN NATIONS

ASEAN was established in Bangkok on 8 August 1967, founding members being Indonesia, Malaysia, Philippines, Thailand and Singapore. Brunei Darussalam joined in 1984, Vietnam in 1995, Laos and Myanmar in 1997. Cambodia's application for membership in 1997 was deferred. The aims of the Association are primarily to accelerate the economic growth, social progress and cultural development in the region and to promote regional peace and stability.

Areas of cooperation include political, security, economic, functional and external relations. ASEAN's major political initiatives include the Declaration on the Zone of Peace, Freedom and Neutrality (ZOPFAN) of 1971, the Treaty of Amity and Cooperation in South-East Asia (TAC)

in 1976 and the Treaty on the South-East Asia Nuclear Weapon-Free Zone (SEANWFZ) of 1995. The ASEAN Regional Forum (ARF), established in 1994, aims to promote political and security dialogues in the Asia-Pacific region.

Economic cooperation includes trade and investment; industry; food, agriculture and forestry; financial and banking services; transport and communications, tourism, minerals and energy; and private sector participation. In 1992, ASEAN entered into a Common Effective Preferential Tariff (CEPT) scheme for the ASEAN Free Trade Area (AFTA) which is on course to reduce tariff rates to 0–5 percent by the year 2000 and to eliminate tariffs completely by 2003. All manufactured products, including capital goods, and processed and unprocessed agricultural products are included in the CEPT scheme. ASEAN is also undertaking trade facilitation measures such as elimination of non-tariff barriers, harmonisation of tariff nomenclature, customs procedures and valuation. Other functional areas involve cooperation in science and technology; environment; culture and information; social developments and drugs and narcotics control.

A major initiative is the establishment in 1995 of the *ASEAN Mekong Basin Development Corporation* to assist in the development of countries in the basin, particularly Cambodia, Laos and Myanmar. Sectors of cooperation include infrastructure, trade and investment-generating activities, agriculture, forestry and mineral resources, industries, tourism, human resource development, and science and technology; *Expert Working Groups* have been set up on *Finance* to consider funding modalities, technical assistance, pre-feasibility and feasibility studies, equity and debts; and on the *Rail Link* (under consideration) between Singapore and Kunming in China.

ASEAN's external relations are focused on two organisations:

The ASEAN Regional Forum

The ASEAN Regional Forum (ARF) was established in 1992 in order to promote external dialogue on enhancing security in the region. This is in addition to the ongoing dialogue on Asia-Pacific security. Members of the ARF are the ASEAN members, the ASEAN observer Papua New Guinea, and ASEAN Dialogue Partners namely, Australia, Canada, China, India, the EU, Japan, New Zealand, the Republic of Korea, Russia and the United States of America. The Forum endorsed the purposes and principles of the Treaty of Amity and Cooperation in South-East Asia as a code of conduct governing relations among states in the region; agreed to concentrate on Confidence Building Measures in order to develop a more predictable and constructive pattern of relations for the Asia Pacific region, to concentrate on Preventive Diplomacy and to establish the mechanism for conflict resolution.

Asia–Europe Meeting

The Asia–Europe Meeting (ASEM) was conceived as ASEAN's initiative with a view to redressing the 'missing link' between Asia and Europe, and its first Asia–Europe Meeting was held in Bangkok on 1–2 March 1996 attended by the Heads of State and Government: it was the first high-level meeting between leaders of Asia and Europe. The Meeting recognised that the ASEM process needed to be open and evolutionary, and that inter-sessional activities were necessary although they need not be institutionalised. To date, the ASEM has identified seventeen projects/programmes relating, *inter alia*, to the economies, the environment, science and technology, political, cultural and development cooperation undertaken by both regions. These projects are at various levels of implementation, and include the Trans-Asian Rail Link between Singapore and Kunming in China and the Asia–Europe University Exchange Program. The members of ASEM are China, Japan, Republic of Korea, the fifteen member states of the European Union and the President of the European Commission, and the member states of ASEAN.

Organisational structure of ASEAN

The Meeting of Heads of Government is the highest decision-making body of ASEAN, and there are thirteen sectoral Ministerial Meetings including the annual meetings of the Foreign Ministers and of the Economic Ministers. The ASEAN Secretariat, headed by the Secretary-General, is in Jakarta.

BANK FOR INTERNATIONAL SETTLEMENTS

The BIS was founded as a result of an intergovernmental Convention dated 20 January 1930. It is a Central Banking Institution which makes its services available to central banks and intergovernmental institutions. It is also a centre for economic and monetary research and consultations, and acts as technical agent for the execution of certain specific agreements with, for example, the OECD and the ECSC. It cooperates with other institutions such as the IMF, and since 1982 has been particularly instrumental in resolving liquidity problems of debtor countries by providing short-term bridging loans. Its membership of thirty-two comprises nearly all European central banks, as well as the monetary authorities of a number of non-European countries including Japan and the USA; and although some of the shares are held by the public, all rights of voting and representation in respect of the shares are vested in the central bank of each country in which the shares were issued. Under its statutes the BIS may only undertake operations that are in

conformity with the monetary policy of the central banks concerned, and its operations are essentially short term. The headquarters of the Bank are in Basel.

BLACK SEA ECONOMIC COOPERATION

BSEC is a regional organisation of eleven states established in accordance with the Summit Declaration on Black Sea Economic Cooperation signed in Istanbul on 25 June 1992. The objective is to promote peace, stability and prosperity in the region, on the basis of shared values such as multi-party democracy, social justice, human rights, the rule of law, fundamental freedoms and economic prosperity. Members of BSEC are Albania, Armenia, Azerbaijan, Bulgaria, Georgia, Greece, Moldova, Romania, Russia, Turkey and Ukraine. Observer status is accorded to Austria, Egypt, Israel, Italy, Poland, Slovakia and Tunisia.

The institutions of BSEC are the Annual Meetings of Heads of State or Government, a Parliamentary Assembly, the Black Sea Trade and Development Bank in Thessaloniki and the Coordination Centre for the Exchange of Statistical Data in Ankara. The BSEC Council is the organ of the business communities of the member states for the purpose of developing initiatives and cooperation in the private sector, and the Secretariat is in Istanbul.

CARIBBEAN REGIONAL ORGANISATIONS

THE ASSOCIATION OF CARIBBEAN STATES

The ACS was established in 1995 primarily as a coordinating body to enhance the status and bargaining power of the region in political and economic negotiations. It provides a forum for consultation, cooperation and concerted action in areas of mutual cultural, economic and technical concern, especially transport and tourism. Membership consists of the islands of the Caribbean, together with the mainland states of Colombia, Mexico, Surinam and Venezuela; also six Observer members. The Secretariat is in Port of Spain, Trinidad and Tobago.

The Caribbean Community (CARICOM) is the major regional economic organisation in the Caribbean. Its main function is the creation of a Caribbean Common Market but its activities extend to a wider sphere and include the harmonisation of economic and related policies. Members are Antigua and Barbuda, Barbados, Belize, Dominica, Grenada, Guyana, Jamaica, Montserrat, St Kitts-Nevis, St Lucia, St Vincent and

the Grenadines, Trinidad and Tobago, Turks and Caicos Islands, and the British Virgin Islands.

The Heads of Government Conference is responsible for the policy of the Community, and the Common Market Council of Ministers is responsible for the Common Market. The Secretariat is in Georgetown, Guyana.

The Organisation of Eastern Caribbean States (OECS) consists of Antigua and Barbuda, Dominica, Grenada, Montserrat, St Kitts-Nevis, St Lucia and St Vincent and the Grenadines, all of which have in the past shared certain common services such as a common currency and judiciary. These common services are being extended to include, *inter alia*, harmonisation of foreign policies and joint overseas diplomatic representation. A major objective is to increase bargaining power in inter-governmental negotiations.

CENTRAL AMERICAN COMMON MARKET

The members of MCCA are Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua. In terms of the 1960 treaty of Managua and the Guatemala Declaration on Monetary Integration the parties aim to eliminate tariffs on nearly all intra-regional trade, and eventually to create a customs union. They envisage the harmonisation of policies relating to taxation, customs classification, monopolies, dumping and unfair trade practices; the acceptance of the principles of coordinated industrial development and of freedom of transit, and the establishment of a Central American Bank of Economic Integration. The institutions of MCCA are the Central American Economic Council composed of Ministers of each of the parties, and an Executive Council on which each party is represented. The Secretary-General and the Secretariat are in Guatemala City.

CENTRAL EUROPEAN INITIATIVE

The CEI was founded in 1989 by Austria, Hungary, Italy and Yugoslavia with the aim of increasing economic and political cooperation, developing cross-border infrastructure and providing a forum for the discussion of regional problems. By 1997, its membership had grown to sixteen, and new members are not contemplated. Its major purpose now is to promote European integration, and to facilitate the process for those members who are not yet members of the European Union, within

a framework of parliamentary democracy, and the maintenance of human rights. Members of CEI are Albania, Austria, Belarus, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Hungary, Italy, Macedonia (FYR) Moldova, Poland, Romania, Slovakia, Slovenia and Ukraine.

The organisational structure of the CEI is based on a series of regular forums: the annual Heads of Government Meeting, the annual meeting of Ministers of Foreign Affairs, the Committee of National Coordinators which meets on a regular basis, the Special Meetings of Sectoral Ministers, and the Parliamentary Conference attended by delegates representing national Parliaments. In addition, cooperation and dialogue relationships exist with such organisations as the European Union, the Organisation for Security and Cooperation in Europe, the Council of Europe, the European Bank for Reconstruction and Development, the Council of Baltic Sea States, the Black Sea Economic Cooperation, the Community of Alps Adriatic and the Community of the Danubian Region.

There is no fixed Secretariat, but the CEI Trieste Centre was established in Italy in 1996.

COMMON MARKET FOR EASTERN AND SOUTHERN AFRICA

COMESA was established in 1993 as a successor organisation to the Preferential Trade Area for Eastern and Southern Africa (PTA). As with the Southern African Development Community (q.v.) and the Southern African Customs Union between South Africa, Namibia, Swaziland, Lesotho and Botswana (SACU) it seeks to create a momentum towards economic integration, and in addition provides a clearing-house with its own unit of account for financial transactions between member states, namely Angola, Burundi, Comoros, Djibouti, Eritrea, Ethiopia, Kenya, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Rwanda, Seychelles, Somalia, Sudan, Swaziland, Tanzania, Uganda, Zambia and Zimbabwe. The Secretariat of COMESA is in Lusaka.

THE COMMONWEALTH

The Commonwealth is an association of states all but two of which at one time formed part of the British Empire or were Protected States in treaty relations with the Crown. Intra-Commonwealth cooperation and consultation are maintained by institutional and personal contact in cultural and educational matters; and meetings of heads of governments

or their representatives are held normally every two years for the exchange of views on matters of common concern. Aid and development are featured in the initiation of the Colombo Plan and in the Commonwealth Fellowships; and trade, in preferential tariff and quota arrangements, now mainly incorporated in the Lomé Convention. Her Majesty Queen Elizabeth II is Head of the Commonwealth, and the Commonwealth Secretariat and its Secretary-General are situated in London. The following states are full members of the Commonwealth: Antigua and Barbuda, Australia, Bahamas, Bangladesh, Barbados, Belize, Botswana, Brunei, Cameroon, Canada, Cyprus, Dominica, Fiji, The Gambia, Ghana, Grenada, Guyana, India, Jamaica, Kenya, Kiribati, Lesotho, Malawi, Malaysia, Maldives, Malta, Mauritius, Mozambique, Namibia, New Zealand, Nigeria (suspended), Papua New Guinea, Pakistan, St Kitts-Nevis, St Lucia, St Vincent and the Grenadines, Seychelles, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Swaziland, Tanzania, Tonga, Trinidad and Tobago, Uganda, the United Kingdom of Great Britain and Northern Ireland, Vanuatu, Western Samoa, Zambia and Zimbabwe. Nauru and Tuvalu are Special Members. The Commonwealth Parliamentary Association provides a focus for the mutual interests of the legislatures of the Commonwealth; those member states which fail to maintain the concept or practice of parliamentary government being suspended from membership of the Association.

THE COMMONWEALTH OF INDEPENDENT STATES

The Commonwealth of Independent States – like the British Commonwealth and the French Community – seeks to develop an institutional structure within which its former component parts can continue to cooperate in those aspects of government that they consider to be to their advantage; and like other similar institutions, it is in a state of constant evolution, as the original economic interdependence decreases and the sense of national identity among those states that have seceded from the Soviet Union becomes stronger.

The CIS is based on the 1991 Minsk Agreement between Russia, Belarus and Ukraine. These former Republics of the Soviet Union, having concluded that the USSR ‘had ceased to exist as a subject of international law and a geographical reality’, declared that ‘cooperation between the members of the Commonwealth would be carried out in accordance with the principle of equality through coordinating institutions’. Areas of cooperation were defined as foreign policy; forming and developing a united economic area and a common European and

Eurasian market in the area of customs policy, transport and communications, the environment, migration and organised crime.

Other former Republics – Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Tajikistan, Turkmenistan and Uzbekistan – acceded to the Declaration, and also signed the Agreement on Strategic Forces whereby they ‘recognised the need for joint command of strategic forces and for maintaining unified control of nuclear weapons’, and the Agreement on Armed Forces and Border Troops which formed the basis for subsequent bilateral peace-keeping arrangements. Proposals for the creation of a unified CIS military command were abandoned in favour of a military coordinating committee, and Russia has offered to assist in the defence of the borders of the Central Asian and Trans-Caucasian Republics if so requested. Other fields of cooperation include the creation of a CIS Bank, a Petroleum and Gas Council, moves towards free trade and an economic union, and a structure to regulate inter-state financial transactions together with an Economic Court.

The organisational structure is based on the Council of Heads of State and the Council of Heads of Governments and various consultative and coordinating bodies; and the Secretariat is in Minsk.

COUNCIL OF EUROPE

The Council of Europe was the first international organisation established in Europe after the 1939–45 war, and in terms of its Statute, signed on 5 May 1949 by the ten founder countries, its objective is to work for greater European unity, to uphold the principles of parliamentary democracy, to promote human values, and to improve living conditions. Currently its major concerns are human rights, education, culture and sport, social questions, youth unemployment, public health, environment and architectural heritage, local and regional authorities and legal affairs. In particular it aims to achieve a greater unity between its members for the purpose of safeguarding and realising the ideals and principles which are their common heritage and facilitating their economic and social progress: in short ‘to promote European Cultural Identity continent-wide’.

Major achievements of the Council have been the European Convention on Human Rights, and the establishment of the European Commission and Court of Human Rights, whose jurisdiction has now been accepted as compulsory by thirty-four member states, and the European Convention on the Suppression of Terrorism, which *inter alia* defines those offences that shall *not* be regarded as political offences or as offences connected with a political offence or as offences inspired by political motives.

The institutions of the Council are the Committee of Ministers of all member states which meets twice a year, a series of specialised committees, and the Parliamentary Assembly of 286 members, which is a consultative body and which meets three times a year.

Membership consists of Albania, Andorra, Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Macedonia (FYR), Malta, Moldova, the Netherlands, Norway, Poland, Portugal, Romania, Russia, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, Ukraine and the United Kingdom. The Secretariat-General is in Strasbourg.

ECONOMIC COOPERATION ORGANISATION

The Economic Cooperation Organisation is a regional group for economic cooperation, consisting of Afghanistan, Azerbaijan, Iran, Kazakhstan, Kyrgyzstan, Pakistan, Tajikistan, Turkey, Turkmenistan and Uzbekistan. Subjects of special concern are transport, communications, trade, energy and the establishment of a regional payments system.

EUROPEAN FREE TRADE ASSOCIATION/ EUROPEAN ECONOMIC AREA

EFTA

EFTA was founded in terms of the 1960 Stockholm Convention by seven Western European states which did not elect to join the EEC, with the principal objective of creating a free trade area in industrial goods, with agreed rules of origin. This was achieved in 1966, and in 1972/73 free trade agreements were concluded with the EC, creating the Western European Free Trade System. In 1992 agreement was reached between EFTA and EU member states for the creation of the *European Economic Area* establishing a system (with certain exceptions) for the free movement of industrial goods, services, capital and people; and with the member countries adopting relevant EU rules. The institutions of EFTA – the Council of Ministers, the Standing Committee, the Committee of Members of Parliament, the Consultative Committee and the Court – are supplemented by the creation of joint EFTA/EU institutions. Membership of EFTA is Iceland, Liechtenstein, Norway and Switzerland, and the Secretariat-General is in Geneva. The EEA consists of the members of the European Union together with Norway, Iceland and Liechtenstein.

EUROPEAN UNION

The EU consists of fifteen member states: Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, Sweden and the United Kingdom. They are signatories of, or have subsequently acceded to, the 1957 Treaty of Rome, the 1986 Single European Act, the 1992 Maastricht Treaty on European Union, the 1997 Amsterdam Treaty and the various Treaties of Accession; and Association Agreements offering limited facilities and prospects for future membership have been entered into with various countries in the region. The member states of the EU have, together with Iceland, Liechtenstein and Norway, created the European Economic Area with free movement of manufactured goods, capital, services and persons of the eighteen states. The EU has also created a Free Trade Area with Turkey and has undertaken a Euro-Mediterranean dialogue with twelve states of the region, including Jordan, on the basis of the 1996 Barcelona Conference.

The Treaty of Rome 'calls upon the other peoples of Europe who share their ideals to join in their efforts', but its stated aim of 'reducing the differences existing between the various regions and the backwardness of the less favoured regions' has, paradoxically, restricted, until the present time, the prospect of membership to those countries that can contribute financially to this process, whilst excluding those which would compete for resources with existing recipient countries. The principle of 'deepening' thus precluded any substantial 'widening', but this policy was radically altered in July 1997 when the President of the Commission presented his 'Agenda 2000' in which he accepted that 'the Union's environment is changing fast, both internally and externally', and added that the Union must set about adapting, developing and reforming itself. Enlargement represented a historic turning point for Europe, an opportunity it must seize for the sake of its security, its economy, its culture and its status in the world. The Commission recommended that, of the ten Associated Central and Eastern European countries applying for membership, accession negotiations should start with Hungary, Poland, Estonia, Czech Republic, and Slovenia, and also with Cyprus. Subsequent negotiations for accession will be held with Bulgaria, Latvia, Lithuania, Romania and Slovakia. The next Intergovernmental Conference would consider, *inter alia*, institutional reforms and the reorganisation of the Common Agricultural Policy.

The objective of the original six members of the Treaty of Rome was to remove barriers to trade and create a process leading to 'ever closer union' (preamble to the treaty); and this was to be achieved principally by 'establishing a common market and progressively approximating

the economic policies of member states' (Article 2). In the words of Jean Monnet, architect of the Community, 'We are not creating an association of states: we are creating a union of peoples', and the administrative and decision-making procedures of the European Economic Community were accordingly structured so as to create a process leading towards the goal of unification.

This political purpose was spelled out in 1969 in The Hague where the objective of 'paving the way for a united Europe' was recognised, and was reaffirmed in 1983 in the 'Stuttgart Solemn Declaration'; and in 1986 in the Single European Act, member states undertook 'to transform relations as a whole among their states into a European Union' (preamble), and stipulated that 'the European Communities and European Political Co-operation (i.e. harmonisation of foreign policies) would have as their objectives to contribute together to making concrete progress towards European Unity' (Article 1). A major provision of the Act designed to further the process of unification was the diminution of the blocking veto powers of individual member governments by the extension of the system of qualified majority voting in the Council of Ministers.

The process of creating an economic involvement and dependence that would go far to meet most member states' ultimate goal of European unity was carried a major stage further in 1992 with the signing at Maastricht of the Treaty on European Union, which set as its objective the establishment of 'a European Union . . . a new stage in the process of creating an ever closer union among the peoples of Europe'. Provision was made for the Union to become a reality through, *inter alia*, the establishment of economic and monetary union, including the creation of a single currency, and the introduction of Union citizenship. Moreover, the Union would 'assert its identity in the international scene, in particular through the implementation of a common foreign and security policy'.

The Maastricht Treaty, unlike the American Constitution, did not list the specific functions that would be transferred to a central authority, on the assumption that the European Court of Justice would determine what responsibilities such an authority should assume in order to fulfil its agreed objective of creating the Union. It specified, however, that the goal of member states – namely a political union – constituted a binding obligation. The Treaty introduced a dynamic concept into the process of integration: it obliged governments to take further steps towards the goal of union, and it constituted a source of European Union Law, and an operative text. Together with the Treaty of Rome and the Single European Act, the Treaties of Maastricht and Amsterdam could be interpreted as marking the transition from confederation to *de facto* federation of a core group of countries which have agreed to combine their national currencies and economic policies by the year 2002: the

end of a 40-year process of unification and the beginning of a process of negotiating a structure and system of government for the present and future members of the Union.

Since the signing of the Treaty of Rome, an increasing degree of co-operation has taken place between the countries of Western Europe in general, and within the Union in particular, where a high degree of standardisation and conformity has been achieved. The aim of establishing the 'Four Freedoms of Movement' – of manufactured goods, services, capital and people – was, in the main, completed by the target date of January 1993, and non-tariff barriers to trade have been largely eliminated. Agriculture is centrally regulated and remains more a matter of politics than economics. However, substantial progress has been made in the transfer of resources from industrialised to agriculturally-dependent countries and in the transfer of financial assistance to the less developed regions of the Union (the 'cohesion' policy), thus encouraging the stated aim of 'economic convergence'.

The introduction of the single currency – the 'euro' – will help to ensure the permanence of the Union and will come into effect in those countries that so elect and are deemed to meet the Maastricht criteria in 1999, their national currencies ceasing to be valid in the year 2002.

The criteria are: that the ratio between the 1997 budget deficit and GDP should not exceed 3 per cent; that the 1997 ratio between the national debt and GDP should not exceed 60 per cent; that the 1997 inflation rate should not exceed 1.5 per cent of the average of the three best performing member countries; that interest rates should be within 2 per cent of the three best performing states; and that currency rates should be maintained within 2.25 per cent (or in some cases 15 per cent) of the EMS margins for the past two years. A 'stability pact' aims to ensure that member states utilising the common currency maintain fiscal discipline.

In the field of foreign policy and security (the Second Pillar) the Amsterdam Treaty – has established a Foreign Affairs Secretariat with the Secretary-General to the Council of Ministers as spokesman or spokeswoman. Decisions are taken by qualified majority voting with provision for a veto if a country's vital interests are threatened; and an element of 'flexibility' allows members to formulate their own foreign policy decisions even though the others may not wish to be associated with them. Foreign trade policy and 'dialogue' relations with e.g. ASEAN and the Group of Bio are among the Commission's foreign policy responsibilities, and an extensive network of representation abroad has been established.

In the 'Third Pillar' of Justice and Home Affairs, immigration, asylum, visa policy (and eventually the removal of frontiers, under the Schengen System) are dependent on a unanimous vote in the Council, whilst Britain, Denmark and Ireland have the right to opt out. Defence is, in principle, entrusted to the Western European Union which is

described in the Maastricht Treaty as 'an integral part of the European Union', but in practice remains a separate multilateral treaty organisation.

The institutions of the Union are:

The Commission (of the European Communities) which consists of twenty members nominated by the governments of the member states but acting independently of them. France, Germany, Italy, Spain and the United Kingdom nominate two members each, and the other countries one member each. The Commission has the sole right of initiating measures to be adopted by the Union in those matters relating to the original European Economic Community; and in terms of the Treaty on European Union has the additional right of initiating proposals in the fields of foreign policy, security, justice and home affairs. The Council of Ministers in some instances asks the Commission to initiate certain measures. Each Commissioner is appointed by his or her member state for five years, and his or her responsibility for a particular function of the administration is allocated by the President of the Commission.

The Council of the European Union, which consists of ministers nominated by, and representing, each of the fifteen member states considers and can veto or amend proposals from the Commission. Decisions are in most cases taken by qualified (i.e. weighted) majority vote, but in some unanimity is required. Voting is weighted in terms of countries rather than in terms of populations, the United Kingdom, France, Germany and Italy having ten votes, Spain eight, Belgium, the Netherlands, Greece and Portugal five, Austria and Sweden four, Finland, Ireland and Denmark three, and Luxembourg two. Twenty-six votes constitute a blocking minority.

The European Parliament consists of 626 members elected by direct franchise on the basis of ninety-nine members from Germany; eighty-seven each from France, Italy and the United Kingdom; sixty-four from Spain; thirty-one from the Netherlands; twenty-five each from Belgium, Greece and Portugal; twenty-two from Sweden; twenty-one from Austria; sixteen from Denmark and Finland; fifteen from Ireland and six from Luxembourg. The Parliament has the right of consultation and discussion; it may propose changes in the Community Budget, amend it in certain details, or even reject it; and has the power to dismiss the Commission (something it has never done). It has competence regarding new membership of the Union, and effective blocking power mainly in matters relating to the internal market, and to some extent in matters of foreign policy, treaties and internal security.

The European Court of Justice, which consists of sixteen independent judges, is the supreme Court in all matters relating to the Union and

generally in the interpretation of the Union Treaties. It is also the custodian of 'a new legal order' and interprets the law in such a way as 'to make concrete progress towards European unity'. It has the power to levy fines on the recommendation of the Commission on states which have 'failed to fulfil an obligation' of the Treaty of Rome (Article 171).

In addition to the Economic and Social Committee and the Council of the Regions there are:

The European Council which consists of the Heads of State or of Government of member states of the European Union accompanied by their Ministers for Foreign Affairs who meet at least twice a year, their main purpose being to determine overall policy.

The Presidency of the Council, which rotates every six months between member states. Whichever member has the Presidency presides also over all the various Council and committee meetings and determines their agenda, and its Foreign Minister delivers the opening speech to the European Parliament. A 'Troika' of the past, present and future Presidents represents the Union in security and foreign policy initiatives where appropriate.

The Committee of Permanent Representatives (COREPER), which consists of two committees: one of the Permanent Representatives (i.e. Ambassadors) of the member states accredited to the European Union, and the other comprising the deputy permanent representatives. Both meet every week, their main task being to process and prepare material for discussion and decision by the EU Council. They also carry out functions delegated by the Council.

A special relationship was established between members of the Community and their former dependent territories through the Yaoundé, Arusha and subsequently Lomé Conventions. The current convention (Lomé IV) runs from 1990–2000; its members are the fifteen EU states and over seventy ACP (Africa, Caribbean and Pacific) states, and it has a budget of 12,000 million euros. Of this amount the European Development Fund (EDF) will provide 10,800 million euros mainly in the form of grants for national and regional programmes, but also to compensate for losses in agricultural exports (STABEX) and to assist mono-economies based on mining (SYSMIN). The European Investment Bank (EIB) will provide 1,200 million euros in the form of loans for specific projects. In terms of trade, the EU will provide duty-free access for nearly all ACP exports, and preferential prices for quotas of sugar. The institutions of the Convention are the ACP–EU Council of Ministers which meets annually, the ACP–EU Ambassadors Committee which meets every six months, and the EU–ACP Joint Assembly composed of

delegates of ACP countries and members of the European Parliament in equal numbers, which meets once a year. The ACP Secretariat is at 451 Ave. Georges Henri, Brussels.

GULF COOPERATION COUNCIL

The Gulf Cooperation Council was founded in 1981 and its policy was set out in its Charter which was ratified in 1982. The member states are: Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates. The essential purpose is to achieve coordination, cooperation and integration in all economic, social and cultural affairs. Comparable regulations have been established in economic and financial affairs; commerce, customs and communication; education and culture; social and health affairs; media and tourism, and legislative and administrative affairs; whilst agreement has been reached on stimulating scientific and technological progress in industry, agriculture and water resources. In terms of the Unified Economic Agreement, tariff barriers between the six will be abolished, and Gulf nationals will be free to set up industries and to enter into contracts in any state with equal rights. In addition, plans are in place for a Joint Defence Force for Rapid Deployment.

The institutions of the Gulf Cooperation Council are the Supreme Council of Heads of State which meets annually, and the Council of Ministers which meets every three months. The Secretariat-General is in Riyadh, Saudi Arabia.

INDIAN OCEAN ASSOCIATION FOR REGIONAL COOPERATION

Established in 1997, the IONARC aims to increase cooperation in matters of mutual non-military interest. Members are Australia, India, Indonesia, Kenya, Madagascar, Malaysia, Mauritius, Mozambique, Oman, Singapore, South Africa, Sri Lanka, Tanzania and Yemen.

ISLAMIC CONFERENCE ORGANISATION

The Islamic Conference Organisation was founded in 1971 and consists of fifty-four member states together with Zanzibar. The Central African Republic, Togo and the 'Turkish Republic of Northern Cyprus' have Observer status. Its aim is the promotion of Islamic interests and solidarity in all their aspects, based on the Declaration of Lahore of 1974

which confirmed the full national rights of the Palestinian people in their homeland, the decision of the 1975 conference to establish a permanent committee (the Al-Quds Committee) to pursue the question of the future of Jerusalem, and the Casablanca Charter of 14 January 1984 which established committees for regional reconciliation and concord to settle differences between members.

The ICO has maintained an active role in international relations, exemplified by the Mecca Declaration of 28 January 1979 concerning Afghanistan, and the efforts to mediate in the Gulf. Conferences of Heads of State take place annually, and meetings of Foreign Ministers take place annually or more often as circumstances demand. Of the various subsidiary organisations, the Committee on Economic Affairs seeks to promote mutual economic cooperation and solidarity among Moslem countries. The Secretariat is in Jeddah.

LATIN AMERICAN ECONOMIC ORGANISATIONS

The Latin American Integration Association (LAIA or ALADI) was established in 1980 by the new Treaty of Montevideo, which superseded the 1960 Treaty which created the Latin American Free Trade Area (LAFTA). The purpose of the new treaty is to pursue the integration process in order to promote the harmonious and balanced socio-economic development of the region; the long-term objective of such a process being the gradual and progressive establishment of a Latin American common market (article I). The scope of the new treaty is greater than that of the original one, but the methods of achieving closer cooperation are more flexible, and in the form of a framework for pragmatic development, rather than a fixed timetable for achieving specific objectives. The treaty makes provision for regional tariff preferences, regional and sub-regional cooperational agreements, assistance to less-developed member states, and the establishment of relations with other regional economic organisation. The Secretariat is in Montevideo, and the member states are the same as for the previous treaty, namely Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Mexico, Paraguay, Peru, Uruguay and Venezuela. Policy is determined by the Council of Ministers of Foreign Affairs of each of the member countries which meets when appropriate, whilst the Committee of Representatives is the permanent executive body. LAIA is essentially an 'umbrella' organisation which oversees and helps to coordinate the various sub-regional organisations of Latin America.

Complementary organisations are the *Sistema Económico Latinoamericano* (SELA) which meets at intervals in order to coordinate

economic planning and policies and whose membership includes nearly all Latin American countries; and the *United Nations Economic Commission for Latin America and the Caribbean* which is a centre for economic research and a source of economic and social information. The seat of the Commission is Santiago, Chile.

The Andean Integration System envisages the creation of an Andean Community, and is the successor to the Andean Group (Grupo Andino) which was formed in 1969 as a sub-regional group in order to provide a more cohesive economic unit within the Latin American Free Trade Area – now the Latin American Integration Association. The aim is freedom of movement of goods, services and capital transfers, and the establishment of a Free Trade Area with MERCOSUR. Members are Bolivia, Ecuador and Colombia (which established a Free Trade Area in 1993), Peru and Venezuela.

MERCOSUR / MERCOSUL was established in 1991 by the Treaty of Asunción for the purposes of establishing, by the year 2006, a Customs Union including the free movement of goods, services, capital and labour, and for promoting regional investment. Member states are Argentina, Brazil, Paraguay and Uruguay. By 1995, 85 per cent of tariffs had been eliminated, with some exceptions permitted for Paraguay and Uruguay. Free Trade Agreements have been entered into with Chile and Bolivia.

Group of three – G3 is a forum for political discussion on the promotion of economic integration with a view to the creation of a Free Trade Area. Members are Colombia, Mexico and Venezuela, and the Secretariat is in Bogotá.

MAGHREB ARAB UNION

The UMA was founded in terms of the 1993 Treaty of Marrakesh as a regional organisation for stability, security and economic coordination. Membership consists of Algeria, Libya, Mauritania, Morocco and Tunisia; and the Secretariat is in Rabat.

NORTH AMERICAN FREE TRADE AGREEMENT

NAFTA, signed in 1992 by Canada, Mexico and the United States of America, seeks to establish a Free Trade Area by the phased removal of tariffs and quotas on industrial and agricultural goods in the area within ten years (for agriculture and motor vehicles, fifteen years), and

by freedom to establish services. The objectives of the Agreement are set out more specifically in the Preamble which states that the contracting parties are resolved to

strengthen the special bonds of friendship and cooperation among their nations; contribute to the harmonious development and expansion of world trade and provide a catalyst to broader international cooperation; create an expanded and secure market for the goods and services produced in their territories; reduce distortions of trade; establish clear and mutually advantageous rules governing their trade; ensure a predictable commercial framework for business planning and investment; build on their respective rights and obligations under the World Trade Organisation and other multilateral and bilateral instruments of cooperation; enhance the competitiveness of their firms in global markets; foster creativity and innovation, and promote trade in goods and services that are the subject of intellectual property rights; create new employment opportunities and improve working conditions and living conditions and living standards in their respective territories; undertake each of these objectives in a manner consistent with environmental protection and conservation; preserve their flexibility to safeguard the public welfare; promote sustainable development; strengthen the development and enforcement of environmental laws and regulations, and protect, enhance and enforce basic workers' rights.

Special provisions apply in respect of the 1973 Convention on the International Trade in Endangered Species of Wild Fauna and Flora, the 1987 Montreal Protocol on Substances that deplete the Ozone Layer; the 1989 Basel Convention and the 1986 US, Canada, Mexico Agreement on the Control of Transboundary Movements of Hazardous Wastes and their Disposal; and the 1983 US, Mexico, Agreement on Cooperation for the Protection and Improvement of the Environment in the Border Area.

In January 1996 Chile became associated with NAFTA as a prelude to the projected 'Free Trade Area of the Americas from Alaska to Tierra del Fuego'.

NORTH ATLANTIC TREATY ORGANISATION

NATO was founded in 1949, and together with CENTO (Central Treaty Organisation) and SEATO (South-East Asia Treaty Organisation) provided the military means of containing the expansionist policies of the then Soviet Union. The essence of the North Atlantic Treaty is that an armed attack against one or more of the signatories is considered as an attack against them all (Article 5). Members of the Alliance are

Belgium, Canada, Denmark, France, Germany, Greece, Iceland, Italy, Luxembourg, the Netherlands, Norway, Portugal, Spain, Turkey, the United Kingdom and the United States of America. In 1997 negotiations opened with the Czech Republic, Hungary and Poland with a view to their accession to the North Atlantic Treaty (subject to the necessary ratifications) in 1999, when NATO will review the enlargement process and consider applications for membership from other European emerging democracies whose admission would fulfil the objectives of the Treaty, special mention being made of Romania and Slovenia.

The area of application of the treaty extends to the territory of any of the parties in Europe and North America; an attack on the forces of any party in Europe, on the islands under jurisdiction of any party in the North Atlantic area north of the Tropic of Cancer, or on the vessels or aircraft of any parties in this area. Out-of-area operations for the purpose of conflict prevention, peace enforcement and peace-keeping have subsequently evolved without prejudicing the terms of Article 5. The prime concern of NATO, acting in a defensive capacity, continues to be to safeguard the security, sovereignty and territorial integrity of its members, maintaining security at the lowest possible level of forces consistent with the requirements of defence. In a more positive role it seeks, through dialogue, partnership and cooperation, a new and more peaceful order, based on the conviction that stability and security in the Euro-Atlantic area will increasingly be built on a framework of interlocking and mutually reinforcing institutions.

In 1991, in response to the changed political and military situation in Europe, the member countries of NATO, together with the former members of the Warsaw Pact, agreed to create the *North Atlantic Cooperation Council* (NACC). This initiative was followed in 1994 by a system of *Partnership for Peace* (PfP) whereby member countries of NACC and OSCE (see p. 114) were invited to take part in dialogue and mutually confidence-building measures, with a view to ensuring transparency in national defence planning and expenditure; democratic control of defence forces; the maintenance of the capability and readiness (subject to constitutional constraints) to contribute to operations under the authority of the UN or the OSCE; the development of cooperative military relations with NATO; and the development, over the longer term, of armed forces that are better able to operate with those of NATO member countries. Members of PfP are Albania, Austria, Armenia, Azerbaijan, Bulgaria, Czech Republic, Estonia, Finland, Georgia, Hungary, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Macedonia (FYR), Moldova, Poland, Romania, Russia, Slovakia, Slovenia, Switzerland, Sweden, Tajikistan, Turkmenistan, Ukraine and Uzbekistan.

In 1997 the NACC was succeeded by the *Euro-Atlantic Cooperation Council* (EACC), which provides a multilateral framework for the enhanced efforts within PfP concerning an expanded political dimension

of partnership and practical cooperation. It complements the respective activities of the OSCE and other relevant institutions such as the European Union, the Western European Union and the Council of Europe, and as the successor to NACC, it provides the overarching framework for consultations among its members on a broad range of political and security-related issues, as part of a process that will develop through practice. PFP in its enhanced form will be a clearly identifiable element within this flexible framework. The enhanced political dimension of consultation and co-operation which the EAPC offers will allow Partners, if they wish, to develop a direct political relationship individually or in smaller groups with the Alliance. The Council is inclusive, in that opportunities for political consultation and practical co-operation are open to all Allies and Partners equally. It also maintains self-differentiation, in that Partners are able to decide for themselves the level and areas of co-operation with NATO, for example in political and security related matters; crisis management; regional matters; arms control issues; nuclear, biological and chemical (NBC) proliferation and defence issues; countering international terrorism; defence planning and budgets and defence policy and strategy, and security impacts of economic developments. There will also be scope for consultations and cooperation on issues such as civil emergency and disaster preparedness; armaments cooperation under the aegis of the Conference of National Armaments Directors (CNAD); nuclear safety; defence related environmental issues; civil-military co-ordination of air traffic management and control; scientific co-operation, and issues related to peace support operations.

In parallel with NATO's enlarged membership and its increasing role as a major factor in the process of creating a 'European' identity, the *NATO-Russia Permanent Joint Council* was established in 1997 in order to provide a forum for consultation and cooperation between the two partners on matters of mutual concern including conflict prevention, peace-keeping and security policies. The 'Founding Act on Mutual Relations, Cooperation and Security between NATO and the Russian Federation' expressed *inter alia*, the resolve to reinforce the role of the OSCE as the major Pan-European organisation, and reiterated the commitment in the Helsinki Final Act to respect the sovereignty, independence, and territorial integrity of states, and to settle disputes peacefully. A special Charter with Ukraine was also established in 1997, and a Mediterranean Dialogue on a regular basis was agreed.

NATO's involvement in conflict limitation in the former Yugoslavia and – following the conclusion of the Dayton Agreement in 1995 – peace keeping (IFOR/SFOR), exemplified its new role in crisis management and in reinforcing stability and security in Europe, and at the same time it emphasised the evolution in the degree of responsibility for such European operations as between America and Canada on the one hand and the Western European Union on the other. The WEU is

defined in the Maastricht Treaty as 'the future defence arm of the European Union alongside NATO and the OSCE' and has the task of elaborating and implementing decisions and actions of the Union which have defence implications; but a major limitation to its capabilities has been its inability to provide the necessary transport, intelligence and high technology equipment to act alone. However, this problem was addressed in Brussels in 1994 when NATO agreed: 'to make the collective assets of the Alliance available, on the basis of consultations in the North Atlantic Council, for Western European Union operations undertaken by the European Allies in pursuit of their common Foreign and Security Policy'.

The basic organisational structure of NATO consists of the Secretary-General, and the North Atlantic Council on which all member countries are represented by a Permanent Representative with the rank of Ambassador. The five substantive Divisions, which in many ways reveal the scope and purpose of the organisation, are: Political Affairs, Defence Planning and operations, Defence Support, Infrastructure Logistics and Civil Emergency Planning, and Scientific and Environmental Affairs. Independent of the organisational structure is the North Atlantic Assembly of national parliamentarians which debates and considers NATO issues.

The NATO Military Structure is headed by the Military Committee on which all member states (with the exception of France and Spain which have 'Observer' status) are represented. It is the primary source of military advice to the Secretary General and is responsible to the North Atlantic Council Defence Planning Committee and Nuclear Planning Group for the overall conduct of the military affairs of the Alliance. The Supreme Allied Commander Europe (SACEUR) is based at Casteau, Belgium; the Supreme Allied Commander Atlantic (SACLANT) is based in Norfolk, U.S.A., and the Canada-U.S. Regional Planning Group (CUSRPG) is based in Arlington U.S.A. The Director of the International Military Staff is responsible for ensuring that the policies and decisions of the Military Committee are implemented and heads six Divisions: Intelligence, Plans and Policy, Operations, Logistics, Armaments and Resources, Communications and Information Systems, and Cooperation and Regional Security. The NATO Headquarters and Secretariat, which also houses the Diplomatic representatives from the Alliance's Co-operation Partners, is in Brussels, and the NATO Defence College is in Rome.

ORGANISATION FOR ECONOMIC COOPERATION AND DEVELOPMENT

The OECD was established as a successor to the Organisation for European Economic Cooperation (OEEC) and came into being on

30 September 1961. Its objectives are to promote economic and social welfare throughout the OECD area by assisting its member governments in the formulation of policies designed to this end, and by coordinating these policies; and to stimulate and harmonise its members' aid efforts in favour of developing countries. The supreme body of the organisation is the Council, composed of one representative from each member country. It meets at permanent representative level (normally ambassadorial) approximately once a week under the chairmanship of the Secretary-General, and at ministerial level usually once a year under the chairmanship of a Minister elected annually. Decisions and Recommendations are adopted by mutual agreement of all members of the Council. The Council is assisted by an Executive Committee composed of fourteen of its members designated annually.

The major part of the Organisation's work is prepared and carried out in specialised committees and working parties of which there are about 200. These include Committees for economic policy; economic and development review; development assistance (DAC); trade; invisible transactions; financial markets; fiscal affairs; restrictive business practices; consumer policy; tourism, maritime transport; international investment and multinational enterprises; energy policy; industry; steel; scientific and technological policy; education; manpower and social affairs; environment; agriculture; fisheries, etc. Four autonomous or semi-autonomous bodies also belong to the Organisation: the International Energy Agency (IEA); the Nuclear Energy Agency (NEA); the Development Centre; and the Centre for Educational Research and Innovation. In 1990 the Centre for Cooperation with the European Economics in Transition (CCEET) was established to act as the point of contact between the OECD and Central and Eastern European countries seeking guidance in moving towards a market economy.

Members of the OECD are Australia, Austria, Belgium, Canada, Czech Republic, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Japan, Luxembourg, Mexico, the Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Switzerland, Turkey, the United Kingdom, and the United States of America. The Commission of the European Communities generally takes part in the work of the OECD. The Secretariat, headed by the Secretary-General, is in Paris.

ORGANISATION FOR SECURITY AND COOPERATION IN EUROPE

The OSCE (until 1994 the Conference on Security and Cooperation in Europe) has its roots in the Cold War confidence-building process based

on the 1975 Helsinki Final Act, and developed its present form following the Charter of Paris for a New Europe in 1990, the Helsinki Summit of 1992 and the Budapest Summit of 1994. The current objectives of OSCE include conflict anticipation and prevention; arms control; human rights; the establishment of a Code of Conduct relating to military transparency and the role of the armed forces in democratic societies; and crisis management, in which connection it supervised the 1996 elections in Bosnia and Herzegovina in furtherance of the Dayton Accord.

The institutions of the OSCE are the OSCE Summit of Heads of State or Government which meets every two years; the Foreign Ministers Council which meets annually; the Senior Council of Political Directors which meets in Prague, and the Permanent Council of Delegates which meets in Vienna weekly. The OSCE Parliament Assembly meets annually and its Secretariat is in Copenhagen. The Office for Democratic Institutions and Human Rights, which is situated in Warsaw, is concerned specifically with human rights and the process of national elections; the office of the High Commissioner on National Minorities is in The Hague, and the Court of Conciliation and Arbitration is in Geneva. The Forum for Security Cooperation meets weekly in Vienna.

The factor which gives the OSCE especial significance is the composition of its membership, including as it does all the participants of the Cold War; and since it operates on the basis of unanimity it is the only regional organisation which provides a forum for creating a New European Order continent-wide with the participation of the USA. The significance of this special relationship between the former 'East' and 'West' was underlined in the 1997 Founding Act on Mutual Relations, Cooperation and Security between NATO and Russia which in the preamble defines the role of the OSCE as 'the inclusive and comprehensive organisation for consultation, decision-making and cooperation in its area' and as a Regional Arrangement under Chapter VIII of the UN Charter which makes provision for 'regional arrangements or agencies . . . dealing with . . . matters relating to the maintenance of international peace and security as are appropriate for regional action'. The two signatories agreed to 'help strengthen the OSCE in Europe', including developing further its role as a primary instrument in preventive diplomacy, conflict prevention, crisis management, post-conflict rehabilitation and regional security cooperation, as well as in enhancing its operational capabilities to carry out these tasks.

Membership of the OSCE is Albania, Andorra, Armenia, Austria, Azerbaijan, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Holy See, Hungary, Iceland, Ireland, Italy, Kazakstan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Macedonia (FYR), Malta, Moldova, Monaco, the Netherlands,

Norway, Poland, Portugal, Romania, Russia, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tajikistan, Turkey, Turkmenistan, Ukraine, United Kingdom, United States of America, Uzbekistan and Yugoslavia (Serbia and Montenegro, suspended). Partners for Cooperation are Japan and Korea; Mediterranean Partners are Algeria, Egypt, Israel, Morocco and Tunisia; and the Secretariat is in Vienna.

ORGANISATION OF AFRICAN UNITY

The OAU is the major organisation of African States based on the Organisation's Charter, signed by member states in Addis Ababa on 25 May 1963. Membership consists of all states on the African continent and adjacent islands (including Madagascar and Mauritius) with the exception of Morocco which has suspended participation.

The main objectives of the Organisation are to promote the unity and solidarity of African states; to coordinate and intensify their cooperation and efforts to achieve a better life for the peoples of Africa; to defend their sovereignty, their territorial integrity and independence; to eradicate all forms of colonialism from Africa; and to promote international cooperation having due regard to the Charter of the United Nations and the Universal Declaration of Human Rights.

The principal institutions of the Organisation are the Assembly of Heads of State and Government, the supreme policy-making body which meets at least once a year; the Council of Ministers which meets at least twice a year; the General Secretariat of the Organisation situated in Addis Ababa and headed by a Secretary-General appointed by the Assembly; the Commission of Mediation, Conciliation and Arbitration consisting of twenty-one members, established by a Protocol signed by OAU member states in Cairo on 21 July 1964; the Coordinating Committee for the Liberation Movements of Africa situated in Dar es Salaam, and eight Specialised Commissions.

ORGANISATION OF AMERICAN STATES

The OAS has inherited a long tradition of cooperation in North, Central and South America and is today the supreme regional coordinating body for all matters affecting inter-state relations in this region. It is based on the 1948 Charter of the Organisation of American States as amended by the 1967 Protocol of Buenos Aires, the 1985 Protocol of Cartagena de Indias, the 1992 Protocol of Washington and the 1993 Protocol of Managua.

The members of the Organisation are: Antigua and Barbuda, Argentina, Bahamas, Barbados, Belize, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Cuba (suspended), Dominica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, St Kitts and Nevis, St Lucia, St Vincent and the Grenadines, Suriname, Trinidad and Tobago, the United States of America, Uruguay and Venezuela. Permanent Observer status is accorded to thirty-seven states, and to the European Union.

Policy matters are determined by the General Assembly which meets annually and in occasional special sessions, and Consultative Meetings of Ministers of Foreign Affairs which are held when necessary. Three Councils, each composed of one representative of each member state, meet in Washington, where the General Secretariat is situated. These are the Permanent Council which supervises the work of the Organisation and deals with matters of a political nature; the Inter-American Economic and Social Council; and the Inter-American Council for Education, Science and Culture. In addition, there are the Inter-American Judicial Committee, the Inter-American Commission on Human Rights and the Inter-American Development Bank (IDB).

ORGANISATION OF THE PETROLEUM EXPORTING COUNTRIES

OPEC was founded in 1960, and member states are Algeria, Indonesia, Iran, Iraq, Kuwait, Libya, Nigeria, Qatar, Saudi Arabia and the United Arab Emirates.

OPEC's prime objective is to ensure fair and stable petroleum prices for producers and a regular and efficient supply for consumers, and pricing policies have a considerable influence on those of most other oil-exporting countries. Regular meetings of OPEC Oil Ministers are held at intervals of six months, with provision for extraordinary meetings. The Secretariat of OPEC is in Vienna.

SOUTH ASIAN ASSOCIATION FOR REGIONAL COOPERATION

The South Asian Association for Regional Cooperation comprising Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka was inaugurated at the first Summit meeting of the Heads of State and Heads of Government held in Dhaka, Bangladesh, in December 1985.

Institutionally, SAARC has four tiers: the annual Meetings of Heads of State or Government which constitute the supreme authority; the Council of Foreign Ministers which meets twice a year or additionally in extraordinary sessions and is responsible for the review and formulation of policy; the Standing Committee of Foreign Secretaries responsible for the overall coordination of policies and for identifying new areas of cooperation; the Programming Committee of senior officials responsible for organisation and administration; the Technical Committees, responsible for formulating programmes and projects, and Action Committees responsible for their implementation.

Areas of special cooperation are agriculture, communications, environment, health, population, meteorology, drug trafficking and abuse, rural development, science and technology, tourism, transport, and women in development. The initiative of special significance is the SAARC Audio Visual Exchange Programme which encourages the exchange of radio and television material in order to promote people-to-people understanding. Economic cooperation takes the form of the South Asian Development Fund and the formation in 1993 of the SAARC Preferential Trading Arrangement designed to liberalise, on a step-by-step basis, intra-regional trade and to make provision for the least developed countries in the region.

Decisions at all levels are taken on the basis of unanimity; bilateral and contentious issues are excluded from SAARC deliberations; regional cooperation is not held as a substitute for bilateral or multilateral cooperation, but as complementary to them; and cooperation is based on respect for the principles of sovereign equality, territorial integrity, political independence, and non-interference in internal affairs of other states.

Despite its diversity, SAARC provides a forum for cooperation, active collaboration and mutual assistance among the countries of the South Asian region in the economic, cultural, technological and scientific fields. It also highlights the objective of strengthening cooperation in international forums on matters of common interest and of enhancing mutual trust, understanding and appreciation of one another's problems.

The Secretariat is in Kathmandu.

SOUTH PACIFIC REGIONAL ORGANISATIONS

The South Pacific Forum (successor to the South Pacific Bureau for Economic Cooperation (SPEC)) is the major regional organisation in the South Pacific. It is an informal organisation concerned with a wide range of economic matters relating to cooperation within the South Pacific region, and equally with the region's external relations through meetings with 'dialogue partners': in particular, commodity marketing,

industrial development, tourism, shipping, civil aviation, transfer of technology, oil prospecting and environmental protection. Membership is restricted to sixteen sovereign and self-governing states in the South Pacific (including Australia and New Zealand). It consists of an annual meeting of Heads of Governments at which political, as well as economic, matters are discussed and determined by consensus; the Forum Officials Committee consisting of one representative from each member state who implement overall policy, and the Secretariat which is based in Suva.

The South Pacific Commission (SPC) is concerned principally with rural development, youth and community development, *ad hoc* expert consultancies, cultural exchanges, training facilities and marine resource development and research. It consists of twenty-seven sovereign states and self-governing territories in the South Pacific including Australia and New Zealand, the United Kingdom and the United States of America. The Secretariat is in Noumea, New Caledonia.

The South Pacific Organisations Coordinating Committee (SPOCC), as its name implies, seeks to enhance cooperation and avoid duplication of effort in the South Pacific region.

SOUTHERN AFRICAN DEVELOPMENT COMMUNITY

The SADC was established by Treaty in 1992 and developed as a post-apartheid regional organisation of countries with common values and objectives. Its major aim is to create a momentum towards economic integration and close cooperation in the fields of security conflict resolution, transport and the maintenance of democratic institutions.

Heads of State meet annually and Foreign Ministers twice yearly; and member countries are Angola, Botswana, Congo Democratic Republic Lesotho, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland, Tanzania and Zambia. The Secretariat of SADC is in Gaborone.

VISEGRÁD GROUP

The Visegrád Group is a regional organisation for the coordination of mutual interests: the members being the Czech Republic, Hungary, Poland and Slovakia. The major initiative is the Central European Free Trade Area, joined subsequently by Slovenia and Romania.

WEST AFRICAN INTER-GOVERNMENTAL ECONOMIC GROUPINGS

There are over thirty inter-governmental economic groupings in West Africa. To a large extent they are the product of the historical differences within the region, and most have the same objectives of economic harmonisation and eventual integration. The most important are:

The Economic Community of West African States, created at Lagos on the 28 May 1975 to promote economic development in West Africa by establishing a common market (based on the progressive elimination of all discrimination between national boundaries) and harmonising a variety of economic policies including agricultural policies, industrial development plans and monetary policies, co-operation for the development of energy and mineral resources and for the joint development of infrastructure. In addition it agreed to add 'Political Cooperation' to its objectives in 1993, and has accepted responsibility for organising military peace-keeping forces in the area in terms of the 1981 Protocol of Mutual Assistance and Defence; the ECOWAS Monitoring Group (ECOMOG) being established for this purpose.

ECOWAS is the 'umbrella' organisation for the various economic integration groupings in West Africa consisting, as it does, of sixteen members: five are anglophone – The Gambia, Ghana, Liberia, Nigeria and Sierra Leone; eight are francophone – Benin, Burkina Faso, Côte d'Ivoire, Guinea, Mali, Niger, Senegal and Togo; two are Lusophone – Cape Verde and Guinea Bissau, and one arabic-speaking – Mauritania. ECOWAS operates on the basis of an annual Conference of Heads of State, meetings of the Council of Ministers at least once a year, a Tribunal which interprets the provisions of the Treaty and resolves disputes, a Fund for Cooperation and Development, the ECOBANK, six Specialised Commissions and an Executive Secretariat based in Abuja.

The Council of the Entente States is one of the oldest groupings, founded in 1959 by Benin, Burkina Faso, and Côte d'Ivoire and joined by Togo on 3 June 1966. It is an informal organisation for the coordination of economic policies among member states, and has a Mutual Aid and Guarantee Fund for economic cooperation.

The Mano River Union (MRU) was established by Liberia and Sierra Leone in October 1973, and joined by Guinea in October 1980. Its objectives are the establishment of a customs union and the expansion of trade by the elimination of all barriers to mutual trade, the creation of conditions favourable to an expansion of mutual productive capacity, cooperation in the creation of new productive capacity and the securing of a fair distribution of the benefits from economic cooperation.

The River Niger Commission or the River Niger Basin Authority (RNC) was established in October 1983 by Benin, Burkina Faso, Cameroon, Côte d'Ivoire, Mali, Niger and Nigeria for promoting, encouraging and coordinating studies and programmes related to the development of the Niger Basin.

The Organisation for the Development of the Senegal River was established in 1972 in Nouakchott by Mali, Mauritania and Senegal, and is open to all states through which the river flows provided that they accept the spirit and letter of the Convention.

The Economic and Monetary Union of West Africa (UEMOA) through its central bank, the Banque Centrale des Etats de l'Afrique de l'Ouest (BCEAO), undertakes the linkage of member states' currencies to the French franc. It consists of Benin, Burkina Faso, Côte D'Ivoire, Mali, Mauritania, Niger, Senegal and Togo, and the aim is regional economic cooperation for their development through free trade in products of local origin (such as livestock, agricultural products, fish and mineral products) that have not undergone industrial processing (i.e. raw materials); a special preferential import duty regime (the regional cooperation tax) for traded manufactured products that originate in member states; and the establishment of a common external tariff.

WESTERN EUROPEAN UNION

The Western European Union exemplifies the transitional stage in relation to defence and security that North America and Western, Central and Eastern Europe are going through following the ending of the Cold War. Originally and primarily a military alliance committing member states to come to the assistance of any other member which was the object of an armed attack in Europe 'with all the military and other aid and assistance in their power' (Article V of the 1954 modified Brussels Treaty), the WEU was subsequently defined in the Treaty of Maastricht as 'an integral part of the development of the European Union' (Article J4) and members agreed to 'intensify their coordination on Alliance issues which represent an important common interest with the aim of introducing joint positions agreed in WEU into the process of consultation in the NATO Alliance, which will remain the essential forum for consultation among its members and the venue for agreement on policies bearing on the security and defence commitments of allies under the North Atlantic Treaty' (Declaration B4). It defines its new role as 'an integral part of the process of European unification and the future defence arm of the European Union, alongside NATO and the OSCE'

and as a means of strengthening the European pillar of the Atlantic Alliance. Additionally, in terms of the Petersberg Declaration the W.E.U. conducts European military operations in the humanitarian, peacekeeping and crisis management fields.

The institutions of WEU are the WEU Council of Ministers meeting at least twice yearly, the Permanent Council of representatives of member states meeting weekly, and the Parliamentary Assembly whose 115 members meet twice a year in Paris. WEU consists of ten members of the European Union: Belgium, France, Germany, Greece, Italy, Luxembourg, the Netherlands, Portugal, Spain and the United Kingdom. Austria, Denmark, Finland, Ireland and Sweden have Observer status; Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia are Associate Partners, and Iceland, Norway and Turkey are Associate Members, and the Secretariat is in Brussels.

WORLD TRADE ORGANISATION

The WTO, which is the successor to the General Agreement on Tariffs and Trade (GATT), was established on 1 January 1995, and is the legal and institutional basis of the multilateral trading system. It provides the principal contractual obligations determining how governments frame and implement domestic trade legislation and regulations, and it is the platform on which trade relations among countries evolve through collective debate, negotiation and adjudication. The essential functions of the WTO are: administering and implementing the multilateral and plurilateral trade agreements which together make up the WTO; acting as a forum for multilateral trade negotiations; seeking to resolve trade disputes; overseeing national trade policies, and cooperating with other international institutions involved in global economic policy-making.

In accordance with the 'most favoured nation' (MFN) clause, members are bound to grant to the products of other members no less favourable treatment than that accorded to the products of any other country. The commitment to 'national treatment' requires that once goods have entered a market, they must be treated no less favourably than the equivalent domestically produced good. Quotas are generally outlawed, but tariffs or customs duties are legal in the WTO. Tariff reductions made by over 120 countries in the GATT Uruguay Round are contained in national tariff schedules which are considered an integral part of the WTO. The Tariff reductions, for the most part phased in over five years, will result in a 40 per cent cut in industrial countries' tariffs on industrial products, from an average of 6.3 per cent to 3.8 per cent.

Members have also undertaken an initial set of commitments covering national regulations affecting various services activities. These commitments are, like those for tariffs, contained in binding national

schedules. In addition, the WTO extends and clarifies previous GATT rules that laid down the basis on which governments could impose compensating duties on two forms of 'unfair' competition: dumping and subsidies. The WTO Agreement on agriculture is designed to provide increased fairness in farm trade; that on intellectual property will improve conditions of competition where ideas and inventions are involved, and another will do the same for trade in services. GATT provisions intended to favour developing countries are maintained in the WTO, in particular those encouraging industrialised countries to assist trade of developing nations. Developing countries are given transition periods to adjust to the more difficult WTO provisions. Least-developed countries are given even more flexibility, and benefit from accelerated implementation of market access concessions for their goods.

The highest WTO authority is the Ministerial Conference which meets every two years, whilst the day-to-day work falls to a number of subsidiary bodies, principally the General Council, which also convenes as the Dispute Settlement Body and as the Trade Policy Review Body. The General Council delegates responsibility to three other major bodies – namely the Councils for Trade in Goods, Trade in Services and Trade-Related Aspects of Intellectual Property Rights. Four other bodies established by the Ministerial Conference report to the General Council: the Committee on Trade and Development, the Committee on Balance of Payments, the Committee on Trade and Environment, and the Committee on Budget, Finance and Administration. The plurilateral agreements of the WTO – those on civil aircraft, government procurement, dairy products and bovine meat – have their own management bodies which report to the General Council.

The WTO is headed by its Director-General and four Deputy Directors-General. The Secretariat is responsible for servicing WTO delegate bodies with respect to negotiations and the implementation of agreements. It has a particular responsibility to provide technical support to developing countries, and especially the least-developed countries. WTO economists and statisticians provide trade performance and trade policy analyses, while its legal staff assist in the resolution of trade disputes involving the interpretation of WTO rules and precedents. Other Secretariat work is concerned with accession negotiations for new members and providing advice to governments considering membership. The WTO budget is around US\$83 million, with individual contributions calculated on the basis of shares in the total trade conducted by members. Part of the budget also goes to the International Trade Centre. The Secretariat is located in Geneva.

INTERNATIONAL LAW AND PRACTICE

'A law dependent for its existence on the consent of its subjects, without legislature for its creation or alteration, lacking effective machinery of enforcement, difficult to ascertain and regularly disregarded is no law at all. Discuss.'*

DEFINITION AND GENERAL PRINCIPLES

International law is the outcome of man's endeavours to extend into the field of interstate relations the rule of law and the respect for order which exists within the state. The period since the end of the Cold War, however, has not been an encouraging one for its advocates. Whether in the field of recognition, extradition or the use of force, international law has been ignored, contravened or perhaps worse, abused in the political interest.

Basically – and traditionally – international law is defined as the body of rules governing the relations between states. However, since the rapid evolution of the concepts of social and interstate responsibilities resulting from postwar factors and events (e.g. the creation of new states and increased involvement of the individual) and reflected in the development of the United Nations, a wider definition of the term has become necessary. The following is J. G. Starke's definition as contained in his *Introduction to International Law*.

International law may be defined as that body of law which is composed for its greater part of the principles and rules of conduct which states feel themselves bound to observe, and therefore, do commonly observe in their relations with each other, and which include also:

* Weekly tutorial essay question set by Professor Maurice Mendelsohn to members of the Oxford University Foreign Service Programme.

- (a) the rules of law relating to the functioning of international institutions or organisations, their relations with each other and their relations with states and individuals; and
- (b) certain rules of law relating to individuals and non-state entities so far as the rights or duties of such individuals and non-state entities are the concern of the international community.

Although international law is the subject of much debate and opposing viewpoints, there are certain areas of almost complete agreement (e.g. piracy on the high seas and the immunities of diplomats), just as at the other end of the spectrum there are areas of considerable disagreement. It cannot thus be claimed that it is a subject merely for academic lawyers; but on the other hand it could be argued that 'international law' was, in some respects, a contradiction in terms. It is something of a paradox, attracting both disciples and sceptics: those who, with missionary zeal, see it as the path to world peace and righteousness; and those who maintain that without legislature or international sanctions there can be no international law. Both views are to some extent valid, and its relevance in diplomatic relations lies in the fact that considerations of international law do in fact influence governments and provide standards of international behaviour which they acknowledge as being the ideal, even though they may not always manage to live up to them. But like all good causes, international law is liable to be the subject of evil designs, and politicians the world over are not slow to invoke and if necessary distort its principles when it suits their purposes, or to disclaim them if they should prove to be embarrassing. It is thus a subject that diplomats must be acquainted with, but handle with care. The sources of international law are, in brief: treaties, custom, general principles of law, judicial precedents and the writings of leading authorities.

The following topics have been selected as being of interest to diplomats and as a basis for further study; it is not pretended that issues of international law can be effectively reduced to simple generalisations and to imprecise non-legal terminology.

TREATIES AND TREATY-MAKING

GENERAL PRINCIPLES

States enter into treaty relationships when they agree with each other or with a group of other states to undertake certain commitments. Treaties invariably take the form of documents, though a verbal undertaking could be claimed to have the same validity as a written one.

Treaties (to use the general term) may be made in different forms, such as between Heads of State; between states; between governments (to some extent in the order of their importance and formality, but often depending on whim or custom). Such treaties are equally binding on the states concerned even though they may be expressed as agreements between Heads of State or governments.

TYPES OF TREATIES

The instruments recording international agreements have various titles: agreement, arrangement, convention, declaration, exchange of notes, general act, *modus vivendi*, *procès-verbale*, protocol, or statute. All have equal validity but vary in form and wording; and as far as practice in the USA is concerned ratification by the Senate is required for treaties, but agreements can be concluded either following Congressional approval or upon constitutional authority. Generally speaking, bilateral instruments take the form of a treaty, agreement, exchange of notes or *modus vivendi* (in the order of their importance and formality); and multilateral instruments take the form of treaty or convention unless they are on a grand scale when such terms as general act or statute apply. A Final Act is a series of agreements or treaties resulting from a conference, each one of which requires specific approval.

A *protocol of signature*, which is rarely used, has a particular function in that it may be used as a sort of 'postscript' to a treaty. It is considered by the negotiators to be part of the treaty but is written and signed as a separate document. It is less formal than the treaty it accompanies and may record reservations by certain signatories, clarification of points in the treaty, or other subsidiary considerations. It may be used after a short period to record a further point of agreement.

A '*protocol*', which is often used, is an international agreement that is usually supplementary to, or amends, a treaty. An *exchange of letters* may be attached to a treaty for roughly similar purposes, but these are a rather less formal record of intentions and are not necessarily signed by the negotiators. However, an *exchange of notes* (or letters) is more normally made independently of a treaty, as a less formal means of recording agreement between states.

THE PROCESS OF TREATY-MAKING

(a) Accreditation and full powers

The process of treaty-making requires that the persons who conduct the negotiations on behalf of the states concerned should be able to prove that they are authorised to do so; that is to say that they should be able

to establish their *credentials*. These usually take the form of a letter signed by or on behalf of the Minister for Foreign Affairs.

If a treaty or other international instrument is to be concluded and signed at bilateral negotiations or at a multilateral conference, representatives (unless, for example, they are heads of government or Ministers for Foreign Affairs) must be provided with *full powers*. (If the treaty is between Heads of State the full powers are signed by the Head of State; if between governments, by the Minister for Foreign Affairs.)

A typical example of full powers issued to a delegate to a plenipotentiary conference would be as follows:

Whereas, for the better treating of and arranging certain matters which may come into discussion between the Government of . . . and the Governments of certain other Powers and States represented at the forthcoming Conference [name of Conference] to be held at . . . on . . . it is expedient that a fit person should be invested with Full Power to conduct the said discussion on the part of the Government of . . . : I, [name in full] Minister for Foreign Affairs, do hereby certify that

[name in full, decorations and official designation of the leader of the delegation]

is by these Presents named, constituted and appointed as Plenipotentiary and Representative having Full Power and Authority to agree and conclude with such Plenipotentiaries and Representatives as may be vested with similar Power and Authority on the part of the Governments aforesaid any Treaty, Convention, Agreement, Protocol or other Instrument that may tend to the attainment of the above-mentioned end, and to sign for the Government of . . . everything so agreed upon and concluded. Further, I do hereby certify that whatever things shall be so transacted and concluded by the said Plenipotentiary and Representative shall, subject if necessary to Ratification by the Government of . . . be agreed to, acknowledged and accepted by the said Government of . . . in the fullest manner.

In witness whereof I have signed these Presents and affixed hereto my Seal.

Signed and sealed at the Ministry of Foreign Affairs (place) . . . the . . . day of . . . One thousand Nine hundred and ninety . . .

Seal

Signature of Minister
for Foreign Affairs

At conferences in which a large number of states are participating, it is customary for a Credentials or a Full Powers Committee to be established for the purpose of confirming the powers and authenticity of the delegates.

(b) Negotiation

The negotiation of a treaty is normally preceded by an understanding between the states concerned – sometimes a *letter of intent* – as to the general purpose and likely outcome of its proceedings. In the case of multilateral negotiations an *agenda* is usually agreed in advance. In the case of bilateral treaties it is usual for the governments to outline the pattern of negotiations and to subdivide them under specific *heads of agreement*. It may then be found advisable to refer certain heads to technical or specialist subcommittees so that their conclusions can be considered by the negotiators at a plenary session. The art of negotiation needs no elaboration: it is the skill and patience of the marketplace elevated to a higher plane. Negotiators, however, are usually limited in their conduct by written instructions from their government – their ‘brief’ – and by the availability of the telephone or fax which enables them to refer back all major problems for decision.

(c) Authentication and signature of the text

When a document has been agreed it is either initialled, signed, or signed *ad referendum* by the negotiating representatives. Initialling normally signifies merely the establishment of an authentic text, and further action is required to signify the consent of the states to be bound. Signature *ad referendum* requires confirmation by the state concerned to constitute full signature. If the treaty is ‘subject to ratification’, signature is of limited significance. In other cases, whether the signature of the properly accredited delegate makes the treaty binding on his state or not depends on the intention as shown by the terms of the treaty, e.g. with regard to its entry into force; as agreed during the negotiations, or as otherwise indicated, e.g. by the terms of the relevant full powers. Multilateral treaties may in most instances be signed with reservations if these are not excluded by the terms of the treaty or incompatible with its object and purpose.

(d) Ratification

Where ratification is stipulated (or understood) a treaty is referred to the governments of the negotiating parties for confirmation. Ratification in the international law sense is an executive act: whether or not this is effected before the national legislature gives it approval or legislates to implement the treaty being a matter of domestic law and practice. A state is under no legal obligation to ratify a treaty agreed by its own delegate, but its choice of action is limited to acceptance or complete rejection though in exceptional cases, ratification may be made with reservations, these being usually of a procedural rather than substantive nature. It cannot normally ask to reopen negotiations with a view to

introducing amendments. Ratification is not retroactive to the date of the signature of the treaty (unless special provision is made to this effect). The constitution of the USA provides that the ratification of all international treaties must be approved by a two-thirds majority of the Senate.

(e) Acceptance

In some instances provision may be made for the 'acceptance' of treaties as an alternative to ratification, accession or adherence. The practice is a new one, intended to meet constitutional difficulties of certain states; it mainly relates to United Nations Conventions, some of which contain an acceptance formula clause. Acceptance is effected by the deposit of an instrument of acceptance.

(f) Accession or adherence

Provision may be made in treaties (normally multilateral) for subsequent accession or adherence (occasionally adhesion) by states which did not originally sign the treaty. The two terms are generally considered to be synonymous, but it is sometimes held that 'accession' is used to apply to the whole treaty, and 'adherence' to only part of it. Accession or adherence can take place only with the consent of all signatories of the treaty, and where it is considered to be acceptable a permissive clause to this effect is usually included in the treaty.

(g) Exchange or deposit of ratifications

The signature of an instrument of ratification on behalf of a state has in itself little significance in international law; it is only the exchange of instruments of ratification that gives them effect – or, as is usual in the case of multilateral conventions, their being deposited with the depositary. (The depositary may be a government or the secretariat of an organisation.) The exchange or deposit of ratification is usually effected and recorded by means of a *procès-verbale*. Instruments of ratification are signed by the Head of State, by the head of government or by the Minister for Foreign Affairs, depending on the importance of the issue.

(h) Registration and publication

Article 102 of the United Nations Charter stipulates that all treaties and international agreements entered into by member states shall be registered with the Secretariat and published by them. Failure to do so (on either part) does not invalidate the treaty; but it has the consequence that the treaty may not be invoked before the International Court of Justice or any other organ of the United Nations.

THE FORM AND CONTENT OF TREATIES

Treaties can normally be divided into three parts:

1. *The preamble*, somewhat formal in style, setting out the names of the parties to the agreement, the names of the plenipotentiaries and the object of the agreement, e.g.

The Republic of X and the Kingdom of Y
Desiring to facilitate
Having in mind
Having resolved to conclude a Treaty of
and have appointed as their Plenipotentiaries for this purpose:

The Republic of X: The Hon. A.B.C.
The Kingdom of Y: His Excellency D.E.F.

Who, having communicated their respective full powers, found in good and due form, have agreed as follows . . .

2. *The terms or substance of the agreement*, known as the substantive clauses.
3. *The administrative clauses* or final clauses (sometimes known as the *clauses protocolaires*) which include provision for some or all of the following:

The date or method of entry into force of the treaty
The duration and method of termination of the treaty
Definition of terms
The method of settlement of any dispute
Reservations
Accession to the treaty by other states
Amendment or review
The languages of the treaty which are to be authoritative
Ratification, and deposit of instruments of ratification
Registration with the United Nations

and invariably:

Date and place of signature
Signature (and sometimes seal) of plenipotentiaries.

THE VALIDITY OF TREATIES

A treaty is essentially a contract between states, and its validity may theoretically be challenged by one or more of the parties concerned on

various grounds, which are specified in Articles 48–53 of the Vienna Convention on the Law of Treaties. These are:

Error relating to a fact or situation which was assumed by the state concerned to exist at the time when the treaty was concluded and which formed an essential basis of its consent to be bound by the treaty (except if that state contributed by its own conduct to the error or if the circumstances were such as to put the state on notice of a possible error).

Fraud, i.e. when a state has been induced to conclude a treaty by the fraudulent conduct of another negotiating state.

Corruption of a representative of a state.

Coercion of a representative of a state.

Coercion of a state by the threat or use of force.

Jus cogens: i.e. treaties conflicting with a peremptory norm of general international law. A ‘peremptory norm’ in this context is one accepted and recognised by the international community of states as a whole as a norm from which no derogation is permitted and which can be modified only by a subsequent norm of general international law having the same character.

No general rule can be given to cover the case where a treaty which is signed in good faith proves to be incompatible with the terms of an earlier treaty – a situation capable of arising as between a bilateral agreement and a multilateral agreement possibly through the oversight of an archivist. So far as the provisions of the United Nations Charter are concerned, article 103 stipulates that obligations under the Charter shall have precedence over all others in the event of conflict.

THE TERMINATION OF TREATIES

A treaty may legitimately come to an end by the agreement of the parties concerned; at the expiry of the time limit provided in the treaty, or by parties making use of a termination clause provided in the treaty. In the absence of any of these provisions it may (in practice though doubtfully in law) be unilaterally abrogated or denounced if the party concerned considers that the political consequences (if any) of so doing would be less onerous than the maintenance of the provisions of the treaty. Varying degrees of legitimacy can be claimed for such unilateral action in the event of:

- (a) a fundamental change having taken place in the circumstances which existed at the time the treaty was drawn up;
- (b) the extinction of the other contracting party as a state (in a bilateral treaty) in such a way that the successor state does not inherit rights or obligations under this treaty;

- (c) the outbreak of war;
- (d) the denunciation of a multilateral treaty by such a number of the parties as to render the treaty inoperative;
- (e) a material breach of the treaty by another party to it.

POLITICAL ASYLUM AND THE EXTRADITION OF CRIMINALS

The traditional interpretation of international law relating to political asylees has generally ceased to be applicable in recent years mainly because it has been politically embarrassing to establish new and separate norms for economic asylees. Nevertheless it is relevant to note that there are two categories of political asylum: *territorial asylum* (i.e. granted by a state to an alien in its territory) and *extra-territorial* or *diplomatic asylum* (i.e. in the premises of a diplomatic mission or other such premises entitled to inviolability). Instances of the former are many, and groups of 'political refugees' are to be found in most states; but because they are living in a different country they are no great embarrassment to their own government.

A different situation arises in instances of diplomatic asylum, when the political offender is able to live protected and unmolested in his own country and in the midst of his fellow-countrymen whom he is presumably attempting to turn against their government.

As a general principle, a state has the right to grant asylum to aliens within its own territory ('territorial asylum'), and the onus is on the state wishing to extradite them to show why they should be given up. If on the other hand a state has given refuge in one of its missions to a national of the state in which it is situated ('extra-territorial asylum') it is up to the head of that mission, or his government, to justify the action.

Special provision relating to, *inter alia*, extradition has been made in respect of crimes against internationally protected persons in the United Nations Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents of 14 December 1973 (the New York Convention).

DIPLOMATIC ASYLUM

The inviolability of the premises of a diplomatic mission has traditionally rendered them liable to be sought as a place of refuge. The question of the existence and validity of this right of asylum from political persecution (it is not normally applicable in ordinary criminal cases) remains dormant for long periods, only to be the subject of acrimonious discussion from time to time. In Europe the practice is nearly extinct.

It is a situation that can, in the end, be resolved only by negotiation, if only because the Vienna Convention on Diplomatic Relations, whilst ensuring the inviolability of the premises of a diplomatic mission (and thus of those within it) makes no provision for the departure under safe conduct of any person not covered by the Convention. In other regions, local usage sanctions its continuation even though diplomatic asylum is not recognised as existing in terms of Customary International Law. The Latin American practice may be summarised on the basis of the Convention on Diplomatic Asylum drawn up by the Tenth Inter-American Conference held in Caracas in 1954, as follows:

1. Every state has the right to grant asylum, and to determine for itself the nature of the offence or the motives for the persecution of the person seeking asylum.
2. In the context of the granting of asylum, a legation includes not only the seat of a regular diplomatic mission and the residence of the head of mission, but also any other premises provided by the mission for the asylees when their number exceeds the normal capacity of the buildings.
3. Asylum may not be granted except in urgent cases and for the period of time strictly necessary for the asylee to depart from the country with the guarantees granted by the government of the territorial state.
4. Urgent cases are understood to be those, among others, in which the individual is being sought by persons or mobs over whom the authorities have lost control, or by the authorities themselves, and is in danger of being deprived of his life or liberty because of political persecution and cannot, without risk, ensure his safety in any other way. It shall rest with the state granting asylum to determine the degree of urgency of the case.
5. It is not lawful to grant asylum to persons who, at the time of requesting it, are under indictment or on trial for common offences or have been convicted by competent regular courts and have not served the respective sentence, nor to deserters from land, sea, and air forces, save when the acts giving rise to the request for asylum are clearly of a political nature.
6. Immediately asylum is granted the fact must be reported to the Minister for Foreign Affairs of the state of the person who has secured asylum, or to the local administrative authorities if the act occurred outside the capital.
7. The government of the state has the right to require that the asylee be sent out of the national territory within the shortest possible time; and the diplomatic agent of the country which has granted asylum in turn has the right to require that the asylee be permitted to leave the territory; and in both instances the necessary guarantee of safe conduct and inviolability must be provided.

8. Asylees enjoying safe conduct may not be deposited at any point in or near the national territory from which they have sought asylum.
9. While enjoying asylum, refugees shall not be allowed to perform acts contrary to the public peace.
10. If, as a consequence of a rupture of diplomatic relations, the diplomatic representative who granted asylum has to leave the territorial state, he must be allowed to leave with the asylees, or if this is not possible, he may surrender them to the diplomatic mission of a third state.
11. The fact that the government of the territorial state is not recognised by the state granting asylum does not prejudice the application of the general principles set out above; nor does their application imply recognition.

EXTRADITION

Extradition is the forcible removal of a person from one state to another to stand trial or suffer imprisonment for an alleged offence; and requests for extradition arise when a person who is accused or convicted of a criminal offence seeks refuge (or is at the time resident) in another state. Normally the alleged crime will have been committed in the state seeking extradition or aboard a ship flying its flag. Applications for extradition are made through diplomatic channels, and are reasonably straightforward where both states have agreed to specific principles in advance through the medium of an Extradition Treaty. The following principles are normally embodied in such treaties and are applied even where no treaty exists, though practice varies to a considerable extent between countries:

- (a) The person whose extradition is sought must be a national of the state seeking his extradition, or a national of a third state. It is not normally the practice for a state to hand over one of its own nationals at the request of another state, though the United Kingdom and the United States of America are exceptions to this general rule.
- (b) The alleged offence for which extradition is sought must be a grave one, it must normally be an offence in both states involved, and adequate details of the individual's implication must be provided. Offences for which extradition is not normally applicable include political offences, military offences such as desertion (unless this comes within the scope of the legislation of the host state, e.g. a Visiting Forces Act), and religious offences.

The Council of Europe *European Convention on Extradition* contains the following more specific circumstances in which extradition shall *not* be applicable:

- (a) if the offence in respect of which it is requested is regarded by the requested party (i.e. state) as a political offence *or as an offence connected with a political offence*;
- (b) if the requested party has substantial grounds for believing that a request for extradition for an ordinary criminal offence has been made for the purpose of prosecuting or punishing a person on account of his race, religion, nationality or political opinion . . .

These provisions are qualified to the extent that the taking or attempted taking of the life of a Head of State or a member of his family shall not be deemed to be a political offence for the purposes of the Convention.

The Council of Europe *European Convention on the Suppression of Terrorism, 1977*, further stipulates, *inter alia*, that the following offences shall *not* be considered as 'political' and therefore may not be claimed as a reason for avoiding extradition:

- (a) an offence within the scope of the Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970;
- (b) an offence within the scope of the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1971;
- (c) a serious offence involving an attack against the life, physical integrity or liberty of internationally protected persons, including diplomatic agents;
- (d) an offence involving kidnapping, the taking of a hostage or serious unlawful detention;
- (e) an offence involving the use of a bomb, grenade, rocket, automatic firearm or letter or parcel bomb if this use endangers persons;
- (f) an attempt to commit any of the foregoing offences or participation as an accomplice of a person who commits or attempts to commit such an offence.

RECOGNITION OF STATES AND GOVERNMENTS

STATES

The question of recognition of states arises when a state undergoes a fundamental change; it may change territorially, or disappear altogether or a new state or states may emerge as a result of cession, amalgamation,

federation, secession or subdivision. There are two main schools of thought in international law concerning recognition of states: one is that recognition makes the state; the other that recognition is merely the formal acceptance of an established fact. In the practice of many states recognition of a new state is essentially a political decision; but it is generally accepted that a state must have a defined territory, a permanent population which respects the government's legitimacy and a sovereign government (which therefore has the capacity to enter into relations with other states).

GOVERNMENTS

Governments also are capable of radical and unconstitutional change, but recognition of a new government in such circumstances is usually granted provided that it is in effective control of much the greater part of the state territory and has the obedience of the mass of the population, and that its control has a reasonable prospect of permanency.

Until recently it was the policy of the British government to make a formal announcement when it had decided to 'recognise' a new government of doubtful legitimacy, but it has now desisted from this practice mainly on the grounds that 'recognition' can be mistaken for 'approval'. Its present attitude on whether or not a new regime should be treated as a government is that it is left to be inferred from the nature of its dealings with it; and in particular whether or not it is dealing with it on a normal government-to-government basis. It nevertheless accepts the obligation to certify before the ICJ or a domestic court whether or not it recognises a particular government, if asked to do so.

De facto recognition of governments enables them to exercise the normal international functions of a sovereign state with reciprocal responsibilities in international law, but usually does not enable them to conclude and formally sign bilateral treaties, establish formal diplomatic relations or issue *exequatur*s: these acts are considered to imply or require recognition *de jure*. Recognition *de facto* is generally accepted as an indication that recognition *de jure* will, if all goes well, be accorded in due time. It is often used when there is an element of doubt as to the permanency of the government so recognised. In the event of civil war, the situation may arise in which a substantial part of the territory of a state is held and administered by an administration other than that of the *de jure* government. Practice, in these rare circumstances, varies between countries, but it is possible for the rebel administration to be granted *de facto* recognition in that part of the territory that it administers.

THE EXTENT OF STATE SOVEREIGNTY AND JURISDICTION

SOVEREIGNTY

The territorial sovereignty of a state extends over the land within the state frontier and the air space above it, but not to the upper air (outer space). In the case of maritime states, sovereignty also extends, with certain limitations, over the internal waters and the territorial sea; and the state has a measure of control over the contiguous zone, the exclusive economic zone and the continental shelf. The international regime for determining maritime legality is based on the 1958 Geneva Convention and the 1982 Law of the Sea Convention.

The major provisions of the Conventions are as follows:

Coastal states exercise sovereignty over their *territorial sea* up to twelve nautical miles in extent, but foreign vessels are allowed 'innocent passage' through these waters for purposes of peaceful navigation, and permission to overfly is subject to the approval of the coastal state.

Ships and aircraft of all countries are entitled to 'transit passage' through *straits used for international navigation*, as long as they proceed without delay and without threatening the coastal states. States bordering the straits will be able to apply generally accepted international regulations and pollution control, but may not hamper or impede transit.

Archipelagic states, made up of a group or groups of closely related islands and interconnecting waters, have sovereignty over the sea area enclosed by straight lines drawn between the outermost points of the islands. Ships of all other states enjoy the right of passage through sea lanes designated by the archipelagic state.

Coastal states have sovereign rights in a 200-nautical-mile *exclusive economic zone* (EEZ) with respect to natural resources and most economic activities, and are also entitled to have a certain degree of jurisdiction over scientific research and environmental preservation. All other states have freedom of navigation and overflight in the zone, as well as freedom to lay submarine cables and pipelines. When coastal states cannot fully utilise the resources available, they should provide access for other states, with a certain preference for land-locked states.

Delimitation of overlapping economic zones is to be effected by agreement on the basis of international law in order to achieve an equitable solution.

Coastal states have sovereign rights over the *continental shelf* (the national area of the sea-bed) for the purpose of exploring and exploiting

it without affecting the legal status of the water or air space above. The shelf extends at least to 200 nautical miles from the shore, and up to 350 nautical miles under specified circumstances. A Commission on the Limits of the Continental Shelf makes recommendations to states on the shelf's outer boundaries. Coastal states are to share with the international community part of the revenue they derive from exploiting oil and other resources from any part of their shelf beyond 200 nautical miles. The 1982 Convention provides for delimitation of overlapping shelves in terms identical with those relating to the EEZ.

All states enjoy the traditional freedoms of navigation, overflight, scientific research and fishing on the *high seas*. They have the obligation to adopt, or cooperate with other states in adopting, measures to manage and conserve living resources.

The territorial sea, the exclusive economic zone and the continental shelf of islands are to be determined in accordance with rules applicable to land territory, but rocks which cannot sustain human habitation or economic life will have no economic zone or continental shelf.

States bordering enclosed or semi-enclosed seas are expected to cooperate on the management of living resources and on environmental and research policies and activities.

Land-locked states have the right of access to and from the sea, and enjoy freedom of transit through the territory of transit states by all means of transport, subject to agreement.

A 'parallel system' (as amended in 1994) provides for the exploration and exploitation of *the international sea-bed area*. All activities in the area are deemed to be under the control of the International Sea-Bed Authority, which is responsible for supervising the recovery of minerals from the sea-bed, and which has its headquarters in Kingston, Jamaica.

States are bound to use the best practical means at their disposal to prevent and control marine pollution from any source. Coastal states, port states and flag states are responsible for preventing pollution and punishing polluters, particularly when pollution originates on board vessels. States will be liable for damage caused by violation of their international obligations to combat marine pollution. They are bound to cooperate globally and regionally in formulating rules and standards of environmental protection, and commit themselves to promoting technical assistance to developing countries in this area.

All marine scientific research in the exclusive economic zone and on the continental shelf is subject to the consent of the coastal state, but such states shall, in normal circumstances, grant consent to foreign states when the research is to be conducted for peaceful purposes as laid down in Article 246 of the Convention. A coastal state can deny permission for such research or insist on its cessation, but only under circumstances defined in the Convention. In the event of a dispute, the

researching state can require the coastal states to submit the matter to international conciliation on the grounds that it is not acting in a manner compatible with the Convention.

States are bound to promote the development and *transfer of marine technology* on fair and reasonable terms and conditions. This will be done with proper regard for all legitimate interests, including the rights and duties of holders, suppliers and recipients of technology.

States are obliged to settle by peaceful means their *disputes over the interpretation or application of the Convention*. When they cannot agree on the means of settlement, they have to submit most types of disputes to a compulsory procedure entailing decisions binding on all parties. They have four options: an International Tribunal for the Law of the Sea, established under the Convention; the International Court of Justice; arbitration; and special arbitration procedures. Certain types of disputes have to be submitted to conciliation, a procedure whose outcome is not binding on the parties.

JURISDICTION

The jurisdiction of a state is generally recognised as extending over all persons, property, acts and events within its territory; and for this purpose its territory includes the Territorial Sea. However, it is customary for a state to exercise restraint in applying jurisdiction in respect of offences committed on board foreign ships by foreign nationals, provided that the general peace is not disturbed and that the crime is not a grave one; and particularly if the consular representative of the country concerned is seen to be in control of the situation. Jurisdiction also relates to aircraft registered in, and ships flying the flag of, a state and to a state's nationals abroad, as well as universal jurisdiction over pirates and war criminals.

NATIONALITY

The possession of a nationality grants privileges to an individual and correspondingly imposes obligations:

‘It is for each state to determine under its own law who are its nationals. This law shall be recognised by other states in so far as it is consistent with international conventions, international custom, and the principles of law generally recognised with regard to nationality.’

Any question as to whether a person possesses the nationality of a particular state shall be determined in accordance with the law of that state.’

These fundamental principles set out in the Hague Convention of 1930 on the Conflict of Nationality Laws have been modified by a subsequent principle that when a state grants nationality to a person whose association with that state is so tenuous as not to constitute a 'genuine link', other states are not bound to recognise that grant of nationality; otherwise they continue to apply.

Nationality is normally acquired by birth in the territory (*jus soli*) or as the descendant of a national (*jus sanguinis*); occasionally by naturalisation, marriage or on application, and on rare occasions as a consequence of conquest, cession or other change in the nature of a state. It is often forfeited on the acquisition of a different nationality and may be lost by renunciation, specific state legislation or, in some cases, marriage or prolonged absence. Dual nationality may occasionally result from an overlap of two countries' legislation on the subject or from exceptional circumstances. A person becomes stateless when he is deprived of his nationality and does not acquire an alternative.

The laws relating to nationality are complicated and varied, but they are very relevant to diplomats in general and to consular officers in particular. For example, a state has the right to accord diplomatic protection to its nationals while abroad but not to others; a person usually has the right to be granted re-entry into the state of which he is a national (and therefore *prima facie* entitlement to a transit visa through an adjacent state in the direction of that state); or he may be liable to military service or subject to extradition. A duly authorised passport is generally accepted as *prima facie* evidence of nationality.

CONFERENCES

International negotiation is a specialised form of bargaining: when it takes the form of bilateral negotiation it may be relatively informal, but multilateral negotiation is normally conducted on a formal conference basis. As the range of international business has increased over recent years, so has *conference practice and procedure* become to a greater extent refined and standardised: that is a sort of science; and *conference diplomacy*, which is rather more an art, has, like diplomacy in all its forms, adapted to changing situations.

Conference practice and procedure are concerned with the commonly accepted rules designed to ensure the most successful possible outcome of a conference and the greatest degree of satisfaction to all participants; whereas conference diplomacy is the expertise practised by the individual delegate who seeks to gain the maximum advantage for his country. It may be said that the chairman or president of a conference requires a high degree of diplomacy to ensure a successful outcome of a conference, but as he also needs to be well acquainted with practice and procedure his skill can best be summed up in the term *conference management*.

International conferences can be classified in a number of ways. They may be:

- bilateral or multilateral;
- single-subject or multi-subject;
- *ad hoc* or regular;
- those with a permanent secretariat and those without.

International conferences may also be classified in terms of the objectives that they set out to achieve. These may be:

- to serve as a forum for the general discussion of a subject or subjects;
- to make non-binding recommendations to governments or international organisations;

Conferences

- to make decisions binding on governments (in most instances *ad referendum*);
- to make decisions giving guidance or instructions to the secretariat of an inter-governmental organisation, or on the way in which a programme financed by governments should be administered, e.g. the standing or executive committees of international organisations in the interim between plenary sessions;
- to negotiate and draft a treaty or other formal international instrument;
- to provide an international exchange of information, e.g. UN Conference on the Peaceful Uses of Atomic Energy;
- to provide for the pledging of voluntary contributions to international programmes, e.g. UN High Commission for Refugees; World Food Programme.

CONFERENCE PRACTICE AND PROCEDURE

RULES OF PROCEDURE

The first requirement of every formal conference is a set of written rules that guide and determine the activities of the participants and to which the chairman can refer in cases of doubt or dissent. These must either be standing rules which, having been approved by a previous session, are accepted as standard procedure by subsequent sessions, e.g. the rules of procedure of the United Nations General Assembly; or they must be submitted to, and approved by, the conference. In the latter instance they would be circulated in draft form in advance, and would include the date and place of the meeting, adequate advance notice of which must always be given.

THE AGENDA

The agenda of a conference lists the items of business that will be raised and the order in which each item will be considered. A draft or provisional agenda is normally prepared and circulated by the convenors or secretariat of the conference and will, in the case of regular meetings, include (i) obligatory items (e.g. the approval of the minutes of the previous meeting); (ii) items of business left over from the previous session; and (iii) new submissions for consideration. The agenda must be circulated sufficiently far in advance of the conference to give participants time to study the various items of business. Similarly, items to be included on the agenda must be sent to the secretariat/convenors sufficiently early for them to be processed and the participants notified.

For certain conferences (e.g. the UN General Assembly) it is obligatory for an explanatory memorandum to be circulated in respect of each substantive item on the agenda.

COMPOSITION OF DELEGATIONS

The composition of delegations is normally provided for in the Rules of Procedure. The United Nations recognises representatives (maximum five) and alternate representatives (maximum five), and as many advisers, experts, etc., as are required.

CREDENTIALS

Credentials are provided in a document identifying a representative and authorising him or her to act; they are usually verified by a credentials committee which reports to the plenary meeting for approval. Credentials must be issued by the proper authority and comply with the requirements of the conference rules of procedure. Full powers are required in certain instances, e.g. for adopting the text of a treaty. Paragraph 29 of the General Assembly rules of procedure allows for the provisional admission of a representative against whom objections have been raised.

OBSERVERS

The admission and status of observers depend on the rules of procedure of the conference, but they do not in any circumstances have a vote. In the UN General Assembly it is exceptional for observers to be permitted to join in the discussions, but in the Security Council it is a common practice.

OFFICIAL LANGUAGES AND WORKING LANGUAGES

Official languages are those in which texts and resolutions are published and in which discussions are held. Working languages are those languages used in discussion and from and into which interpretation is provided.

PUBLICITY

Conferences can be divided into three general categories: those that are completely open and to which the public and media are invited; those

that are completely closed, the public and the media being provided with a final communiqué agreed by the participants; and those that are limited to the participating members, the public and the media being informed by individual participants by means of press conferences, television interviews and other forms of publicity. In practice there is a spectrum of *ad hoc* arrangements between the closed and the open conference (e.g. some sessions may be open to the public and others not).

RECORDS

A fundamental requirement of any conference is that there should be no doubt as to what has, and what has not, been agreed. For this purpose records of the proceedings are invariably kept and are agreed as correct by the participants. The records kept can be divided into three categories:

- (a) verbatim records (manual or audio);
- (b) summary records, usually prepared by the secretariat, and supervised by a *rapporteur*;
- (c) the texts of resolutions only.

Participants normally have the right and opportunity to make minor alterations to improve the presentation but not the substance of a report of their intervention when it is circulated in draft form; this applies particularly in respect of verbatim reports.

THE RIGHTS OF PARTICIPANTS

The rights of participants as well as the limitations on their activities are usually specified in the rules of procedure; and are subject always to the proviso that it is the task of the presiding officer to ensure that the conference reaches a satisfactory conclusion, and that the business of the meeting is not deliberately or needlessly obstructed. These rights are usually: the right to speak once on each question under discussion, the right to make a *point of order* (usually an objection to the remarks of a participant which are considered offensive or irrelevant); the right to make a *procedural motion* (a procedural motion relates to the conduct of the meeting and must immediately be put to the vote by the presiding officer); and the right to reply to another speaker.

MAKING PROPOSALS AND TAKING DECISIONS

Decisions at conferences are normally taken on the basis of written proposals submitted for consideration by one or more participants: these

are referred to as draft resolutions. In the UN they take the form of a preamble and an operative section; and they are normally required to be submitted with an explanatory memorandum.

Amendments and sub-amendments to draft resolutions may be proposed (and may subsequently be withdrawn) before voting takes place. Voting is firstly on sub-amendments; secondly on 'the amendment furthest removed in substance from the original proposal' (UN General Assembly rule 92) when two or more amendments relate to the same text; and finally on the draft resolution as amended. Amendments cannot negate the substance of a resolution: they must add to, delete from or revise part of a proposal. *Explanations of vote*, i.e. a verbal statement given by a participant explaining why his vote has been cast in a particular way, are normally permitted, as are *motions for division*, which provide for separate voting on separate sections of a resolution in the event of this being specifically provided for.

VOTING QUORUMS AND MAJORITY REQUIREMENTS

Voting is usually on the basis of a simple majority (i.e. over half) of the representatives *present and voting*; in certain instances (often for important questions) the rules of procedure may specify a two-thirds majority (i.e. two-thirds or more) of the representatives *present and voting*; or alternatively a simple or two-thirds majority of *total membership*.

Normally each country has one vote, but systems of *weighted voting* exist in, for example, the ILO and the IMF (in accordance with their rules of procedure), whereby certain categories of participants or certain countries having a greater financial or practical stake in the matter in question have more votes than others.

Rules of procedure normally provide for two specific *quorums*:

- (a) the minimum number of members or participants who must be present for a vote to take place;
- (b) the minimum number required to be present for business to proceed.

Voting in the Security Council is on the basis of two categories of representatives: permanent members and non-permanent members. In the General Assembly, where each country has one vote, a resolution on which there is an equally divided vote is voted on at a second meeting held within forty-eight hours, and is rejected if the votes are again equal. This procedure does not apply to the elections of officers.

Votes may be counted in various ways: by a show of hands, a roll call, by members standing or pressing a button, by secret ballot or by postal ballot.

DETERMINING PROPOSALS BY CONSENSUS

It is unnecessary to go to the extent of casting votes on certain proposals – for example that the Conference should adjourn for lunch: the president decides that there is a consensus of opinion among the representatives that they are feeling hungry, and accordingly proposes that they should do so. This is a *consensus decision without a resolution*: it is based on an assumption by the presiding officer of what is sufficiently self-evident not to warrant taking up the time of the meeting on preparing a resolution, and is particularly applicable to procedural decisions. It is also a device that may be adopted by the presiding officer if he judges that the absence of a resolution is the best political solution to a particularly delicate situation and would be accepted as such by the participants.

A *consensus decision with a resolution* falls within the same category but is slightly more formal. It is for routine and non-controversial items, and for those items to which a minority of representatives object, but would rather not be seen to object through the publicity of a vote. The term ‘consensus’ is also used to an increasing extent in various inter-governmental organisations as an extension of the term ‘unanimity’; implying that:

- (a) all delegates have had an opportunity of expressing their point of view before final approval is given, and
- (b) although they may not be entirely in favour of a draft resolution, all delegates consider it advisable, on balance, not to force the issue by opposing it.

SUBCOMMITTEES AND WORKING PARTIES

It is common practice for conferences to resolve themselves into subcommittees or working parties in order to deal with separate issues of a problem, and then to consider their reports at plenary sessions. They may also provide a useful means of making recommendations on highly specialised subjects; and in cases where a conference meets at lengthy intervals are a means whereby business can be continued during the intervening periods.

THE ELECTION OF THE OFFICIALS

The president, vice-president(s) and, where applicable, the rapporteur assume their functions either by election (as is the case in the majority of conferences) or by rotation (as the chairmanship of the Security Council). In an *ad hoc* conference the representative of the country in which the conference is being held is normally the provisional chairman.

SEATING, PROTOCOL, ORDER OF PRECEDENCE, ETC.

In *bilateral* conferences normal diplomatic protocol is customarily observed. In *multilateral* conferences precedence is normally based on the alphabetical order of name of country (in English or French). In the UN General Assembly the point of seniority in the alphabetical order is varied for each session.

CONFERENCE MANAGEMENT

THE ROLE OF PRESIDING OFFICERS

There is a close parallel between the role of the presiding officer and that of the football referee. Each has the lonely and responsible task of supervising the interplay of skills and techniques between professional players each seeking to gain the maximum advantage; and within a given space of time he has to ensure that the game is played according to the rules and that the final decision is accepted by all the participants. He is provided with a book of rules (the rules of procedure) but his authority, though theoretically supreme, can have no substance unless he is able, by his sensitivity and diplomacy, to persuade those concerned that it is in their own interests to accept it and abide by his decisions. Both need fairness, firmness, knowledge of the rules and very sensitive antennae; not to mention monumental patience and, at times, self-restraint.

The functions of the presiding officer fall into two categories: procedural and substantive.

1. *Procedural functions*

- (a) Opening, closing and adjourning meetings.
- (b) Calling on representatives to speak.
- (c) Limiting the length of speeches if necessary, or if the rules so require.
- (d) Giving rulings on points of order and points of procedure.
- (e) Clarifying points where necessary.
- (f) Calling for the termination of irrelevant remarks.
- (g) Ensuring that the business of the meeting is carried out.

2. *Substantive functions*

- (a) Carrying out *ad hoc* functions which the meeting entrusts to the Presiding Officer's discretion (e.g. the appointment of countries/members to new committees).

Conferences

- (b) Acting as mediator, and assisting the conference to reach a conclusion. This may take the form of:
- permitting time for informal discussions;
 - promoting informal discussions in which he does not participate;
 - promoting informal discussions and participating in them;
 - holding discussions with individual representatives to see if he can find sufficient common ground to overcome an *impasse*.

The increasing impact of multilateral organisations on international relations has resulted in the need – and opportunity – for the Presiding Officer to play a much more active role than previously. Delegates gather not so much to play an adversarial role as to seek solutions – not all of which will meet the objectives of their individual countries, but which provide the most satisfactory result for the members of the organisation as a whole. They undertake an exercise in *Positive Diplomacy*, and the Presiding Officer, aware of this sense of purpose, is, to an increasing extent, able to submit a draft resolutions for initial consideration and – with the blessed invention of the wordprocessor – to proceed virtually without interruption to sponsor a whole series of amended drafts until a final version is produced of which nobody may really approve wholeheartedly but one to which nobody is prepared to object: a process of consensus-building and eventually of *nemine contradicente*.

THE SECRETARIAT

The secretariat provides the administrative backing to a conference; not only to the presiding officer and representatives during the conference, but in preparation for the conference and on its conclusion. If the secretariat is a permanent one it also continues its administrative functions between meetings, when it may assume a largely executive role, acting on the general or specific guidance of its governing body.

Before a conference, and assuming that the place of meeting has been determined, the secretariat will be mainly concerned with invitations, protocol, reception and hospitality, transport, liaison with local authorities, and the arrangement of the conference hall down to the last microphone, pencil and cup of coffee; but above all it will be concerned with the preparation and distribution of the agenda (or draft agenda) and the agenda papers, together with the rules of procedure for the conference where applicable.

While the conference is in progress the secretariat will be responsible for its entire administration, including the provision of translators and the keeping of such records of the proceedings as may be specified by the rules of procedure or required by the presiding officer. A considerable number of documents is invariably required for circulation at all

stages of the proceedings – draft resolutions in particular – and typists are normally available at all reasonable hours. After the close of the conference there are two major tasks apart from the general clearing-up operations: the circulation of the Report of the Proceedings (the minutes or *procès-verbale*): these are often circulated in draft in the first instance (and nearly always so in the case of verbatim reports) so that participants may correct minor errors of punctuation, spelling or grammar (but not change the substance of their intervention); and putting into effect the various decisions that have been reached at the conference.

The head of the secretariat in many instances has certain specific functions that he is required to perform and these are usually set out in the rules of procedure. These may relate to the submission of periodic reports, the presentation of accounts, and matters relating to the staff.

CONFERENCE DIPLOMACY

The object of conferences is to discuss problems and find solutions that are so far as possible acceptable to all participants, and this process is carried on by the traditional methods of diplomacy. However, the flourishing of multilateral diplomacy since the foundation of the United Nations has resulted in a proliferation of international organisations, conferences and committees, and has brought with it an additional dimension to traditional diplomacy: the phenomenon of group voting. Group interest does not normally override national interest, but where the national interest is not strong the group policy will be followed, mainly on the reasoning that strength lies in numbers and in unity, but also because many states with the right to vote do not have the staff to research every issue that comes before them. It is also a particularly useful system for prearranging the election of officers and generally exchanging information on matters of mutual concern.

The fundamental types of group are:

Political and cultural,
Economic development,
Regional,
Economic treaty-linked states.

Among the major groups at the present time are:

- African group
- Asian group
- The European Union
- Group of Arab States

Conferences

- Group of 77 (developing countries of Africa, Asia and Latin America, now over a hundred in number)
- Latin-American group

There are in addition *ad hoc* groups which form to protect their common interests in specific matters. For example in the law of the sea conferences members of the same political or regional group opposed each other in the Continental Shelf group, the group of territorialists (200 mile territorial sea), the fishing states group and the various other *ad hoc* groups that came together on this particular issue.

For a comprehensive study of conference practice and procedure, conference management and conference diplomacy see *Conference Diplomacy* by Johan Kaufmann (Leyden, Sijthoff).

THE DIPLOMAT AND THE MEDIA

'We began the 19th century with the choice: whether or not to spread our nation from coast to coast. We began the 20th century with a choice: to harness the Industrial Revolution to our values. At the dawn of the 21st century we must now choose how to shape the forces of the Information Age and the Global Society.'

These are the words of President Clinton on the occasion of his inauguration as President of the United States for a second term of office: a historical survey of the two major issues that faced his country in the 19th and 20th centuries, and his view of the major challenge that will face his country in the coming century – namely the advent of the Information Age and the Global Society. And what may be deduced from his observation is that the relationships between the existing units of the Global Society – the sovereign independent states – will require management with ever-increasing skills and perception, as well as constant adaptation and an awareness of how the by-products of the Information Age – in particular the television – can be employed in the service of diplomacy.

The basis of diplomacy throughout the ages has been person-to-person communication through the medium of envoys or ambassadors. But the term 'diplomacy' relates to the study of documents; and when considering the evolution of the various media of communication throughout history, it is evident that the written word – through the medium of the Press in particular – has had a significant influence on the formulation of foreign policy and on the processes of diplomacy; and a wary but mutually advantageous relationship has developed between diplomats and journalists and their counterparts in radio broadcasting. Now, in the age of the satellite dish and digitalisation, it is the impact of the audio-visual image that demands the diplomat's attention.

The television revolution, which has burst upon the world with unexpected speed and as yet unpredictable effect, is a revolution affecting

men's minds. The increased availability of television has created a global awareness, motivating the mass of the world's population to new visions and new ideas. The hundreds of millions who hitherto have concerned themselves essentially with the survival of the family and the local community, now see themselves as part of a social and political unit with a voice in their country's domestic and foreign policies. Moreover, the impact of the television revolution on policy formulation is both national and international.

Nationally, the television can influence the government's foreign policy agenda by the selection and intensity of its news coverage. Every country has three elements to its foreign policy formulation: the rational, which is what the Minister for Foreign Affairs, on the advice of his or her diplomats considers to be in the best interests of the country; the political, which is what the government considers to be possible and appropriate; and the emotional, which is what the public expects, based to a very large extent on what they have seen on the television. Until recently, the formulation of foreign policy was primarily the concern of a literate, politically conscious élite: now, the principal medium of information – the television – being ubiquitous and no longer elitist, or requiring literacy, has the power to arouse emotions and create uninformed opinion throughout all strata of society.

Internationally – and it is a little more than a decade since the first TV satellite was launched and six years since coverage became effectively international – television has brought about a structural revolution: the creation of President Clinton's 'Global Society'. It has:

- (a) enhanced the sense of global involvement and responsibility by the immediacy of its news coverage;
- (b) created an increased awareness of humanitarian needs and concern for the environment;
- (c) created for diplomats a new dimension to traditional Public Diplomacy which has two major components: it enables a country to influence another country's foreign policy by appealing directly to that country's public opinion over the head of the government; and it provides scope for Media Diplomacy which may be described as a process of negotiation whereby governments utilise the medium of television in order to make public statements of policy relating to other countries, with a view to influencing the outcome of a dispute.

The situation has now been reached where international television companies not only seek interviews with diplomats to help fill their daily 'news hole' – a joint venture to the advantage of both parties; they also welcome, to an increasing extent, the Video News Release. This is a professionally produced video cassette which has three characteristics: it is suitable and attractive for television presentation; it can be produced and put into storage and brought out when its timing would

produce the greatest impact; and it carries a message that the instigator wishes to put across to as wide an audience as possible. There are more than a hundred firms engaged in the production of Video News Releases in the UK alone. Customers are mainly governments and Non-governmental Organisations, and the VNRs often provide a sporting event or touristic attraction as a foreground to the real message that they wish to put across. Major NGO users of VNRs are environmental organisations, charities and Aid Organisations, and they rely for their success on the profound observation that 'Man has a natural craving to be distracted and entertained'. The Video News Release which is the successor to the Press Release, is essentially entertainment but with a hidden message.

These developments are all relatively innocent, and reflect the ability of governments and others to adapt their processes of diplomacy and persuasion to the changing possibilities of the times; but this advance of technology can bring dangers as well as benefits, in the form of disinformation and misinformation. Disinformation is a form of deliberate deceit – a practice which is by no means new to diplomacy, and can normally be detected (provided that it is not subliminal) and countered. Misinformation is also the provision of a false image, but in this case without evil or deliberate intent, and often without the producer's awareness of his or her own deception. It is, however, a real danger on account of the impact that it has on the emotional input into the formulation of foreign policy. The major components of Misinformation are:

Technical Limitations. Camera crews cost money, and are only sent where there is likely to be the most action and excitement. Hence the saying 'News is where the camera is'.

Selective perception and subjectivity. However objective producers may be they inevitably have a personal perception of what is important and what is not; what is right and what is wrong. Moreover, they do not just want to be reporters of events: they want to make an impact on society.

Cultural limitations. These are an important factor because people of different regions and cultures become accustomed to judging certain countries or situations from a fixed viewpoint: and what is more they are not readily receptive to a change. When President Bush, standing on the steps of the White House, put his arm around the then President de Klerk of South Africa soon after the end of Apartheid and said 'who would have thought, a year ago, that we two would be standing here' he exemplified the fact that reports from South Africa were expected to accord with the American perception of the time. But apartheid did not end suddenly – it had been disappearing gradually for several years – but no journalist and very few diplomats dared to say so because it was contrary to conventional wisdom – to what

people at home had wanted to believe and had grown accustomed to believing.

Personal political commitment is something that all producers will have; and perhaps without realising it and certainly not intending it, they will allow it to influence their work.

Dramatised reporting marks a stage in the evolution of the theatre and the concept of 'Art for Art's sake', and is a major distorting factor. All television producers aim to create good viewing, good theatre. They want the praise of their fellow producers for being good at their job; and if that involves a little exaggeration or the manipulation of facts in order to produce an exciting and stimulating effect it can be justified on the grounds that all television – the 'docudrama' as an example – is an extension of the theatre, an emotional experience and thus a legitimate contribution to the entertainment industry.

Post-fabricated reporting. Camera crews can rarely be on the spot when an event occurs, just as the fire brigade can rarely be there when the fire breaks out – but they can be there soon after. The consequence is that many of the events seen on television are replays of what took place earlier on: faithful replays – but post-fabricated nevertheless.

The Media Law of Demand and Supply is based on the fact that the demand for news is constant and relentless, and producers may sometimes be forced to broadcast whatever they can find: which is where the Video News Release comes into its own. It is no good announcing 'This is the 9 o'clock news – oh sorry we haven't got any news today: here is a Western instead'. News creation is at times inevitable.

The Magnifier Effect comes into play when minor incidents are magnified out of all significance. Crowd scenes can be manufactured on the basis of a small gathering, and impressions are created by generalising from the particular.

The need to personalise and demonise. An audience can often more easily identify with an individual politician than with a country; and if there is a conflict situation they need to be able to identify the Good Guy from the Bad Guy. It was no problem in the Gulf, but Somalia was difficult. Luckily a particular General appeared on the scene as the Bad Guy; and indeed he would have had to have been invented had he not done so.

A further by-product of the television revolution is what may be termed 'Media Management', and here one need look no further than an election that took place in 1997 in a European country with a long-standing history of democratic institutions. For the first time in its history one party made a conscious decision to adopt a strategy for contesting the election through the medium of the television. For two years they conducted a strictly professional and highly disciplined campaign; and the result was that they won by an overwhelming majority.

As the Spanish newspaper *El Pais* according to the London *Times*, observed 'he (the party leader) is a new product, sold no more or less than like a new washing machine'. The election will surely find its way into the history books of Media Management, and perhaps of the decline of democratic institutions in Europe.

This new situation has imposed an obligation on diplomats to become proficient in the skill of *Media Presentation*, both nationally and internationally: nationally because a country's foreign policy, in order to be effective, requires a high degree of popular support – or at least understanding – and a diplomat should be prepared to explain and justify his government's policy to his own people in the most effective manner which is the wide-reaching, audio-visual medium of the television; and internationally because every opportunity should be taken of improving the country's image abroad to as wide an audience as possible, and to explain and justify its actions. Apart from their function as passive analysts, diplomats serving abroad must be trained to appear on television. They may or may not seek it, but it will catch up with them one day. Appearing on television is a grave responsibility, with serious consequences if it is handled badly, a benefit for their country if handled well; and since television is in many ways a modern method of 'Diplomatic Representation' supplementing influence with the political élite by influencing the public, they must react positively and professionally to the opportunities that are offered to them.

THE TELEVISION INTERVIEW

A television interview requires careful preparation and analysis, and the diplomat must consider ('him' being 'him/her' throughout):

The interviewers' objective: why should they go to the trouble of interviewing him: what are they trying to achieve? The answer is a story to help fill the daily 'news hole': that is their job.

The diplomat's objective: why should he agree to be interviewed: what is he trying to achieve? On the negative side, if an interviewer says that a diplomat has 'declined to be interviewed' on a particular subject, it can be made to appear that there must be some sinister reason behind the refusal; whilst on the positive side an interview provides the opportunity to reach out to millions of viewers and to provide a televisual 'representation' of his country and so enhance its image. An interview should be seen as a joint venture between interviewer and diplomat: both have something to gain from it.

The circumstances of the interview: in order to work out a strategy it is essential to know whether the interview will be live or recorded; whether or not it will be one-on-one or if others will take part and

if so who they are; will it form part of the news, a documentary, a chat-show or be in front of an audience? At what time will it be shown and will the audience be popular or serious? Most important of all, will it be shown as a whole, or will a sentence or two be extracted and used as a contribution to a 'docudrama' which the producer is putting together in accordance with his script, but where the diplomat will be unaware of the denouement. Whether arrangements are being prepared for the diplomat himself or for one of his visiting Ministers, it is important to ensure that the seating and lighting are satisfactory, and that the camera is at eye-level; and ideally that the interview takes place at a specified time and on 'home' ground. Impromptu interviews, for example at airports or receptions, should be avoided if at all possible.

The strategy of the interviewer may be to obtain information and explanation; it may be sensation-seeking, or it may be to create a theatre-piece or docudrama. The diplomat's strategy must be adapted accordingly.

The strategy of the diplomat is to leave the audience with a good impression of himself and of his country – bearing in mind that there are over 180 countries in the world, some with confusing names, and that the interview may be the only way that the audience has of gaining an impression of a country, which it does by associating the diplomat with the country. What does the public expect of a diplomat? He should be composed, confident, reliable, credible, honest, reasonable, trustworthy and warm: he should not appear to be ill-at-ease, hesitant, confused, dogmatic or superior. To sum up, a diplomat's strategy will be influenced by the occasion, the audience, the culture of the country and the interviewer's choice of strategy – gentle treatment or rough. To some extent, it is a matter of playing out time without conceding a goal, whilst taking every opportunity of proving that his country plays attractively and according to the rules.

The tactics of the interviewer vary according to the individual: each one normally has a particular style, objective and *modus operandi*, and the diplomat should know the host country well enough to be familiar with its television personalities. Those who want to provide an exciting, provocative piece of entertainment may seek to:

- destabilise the diplomat, unsettle him
- provoke an indiscretion
- lead him towards subjects he wishes to avoid
- get him talking man-to-man, from his heart rather than from his head
- get him on the defensive
- use any trick within reason (such as pretending that the interview is over when in fact the camera is still running) in order to produce good theatre

The tactics and techniques of the diplomat: these are limited by the fact that the producer of the programme controls the cameras, and that the viewing audience identifies with the interviewer; but the diplomat has an advantage in that the interviewer must maintain his audience's interest and produce 'good theatre', and has only a strictly limited time for his act. The diplomat's tactics are – inevitably – mainly reactive, but if a question put to him is one that he wishes to avoid he can take advantage of the fact that the interviewer does not normally ask a question without first putting it in its context by providing some background information: his audience wants to feel involved and to identify with the questioner, and it is perfectly legitimate to pick on one of the background assumptions for an answer, and ideally to provide a key phrase for the interviewer to continue his questioning on another tack rather than reverting to his main question. What the interviewer is seeking to achieve is a harmonious flow of question and answer, and he will not wish to break the sequence.

The diplomat's techniques may be divided into *content* and *presentation*: content being what he says, and presentation being the way that he says it in terms of body language, appearance and voice; and it is perhaps surprising that a diplomat's presentation impresses the viewer far more than what he says.

CONTENT

For diplomats, the major rules of content are:

Analyse your audience and shape the content accordingly.

Make sure you know what you are allowed to say: remember that you are speaking for your country – not yourself.

Go prepared, and therefore unhurried.

Have a central message and look for an opportunity to put it across to the audience.

Before the interview, write down a few impressive phrases that can fit in easily and try to get them in.

Anticipate the questions that you will be asked and prepare the answers.

Always try to set out your ideas in a logical and easy – to – follow sequence.

Try not to let the interviewer determine the course of the interview; have your own plan of campaign, and do not just accept his topics and his assumptions.

Do not only talk about the negative points that the interviewer may bring up: put an emphasis on the positive aspects.

How lengthy should your answer be? Long enough to maintain the flow of conversation, but not so long as to be tedious or to give the

The Diplomat and the Media

impression that you are wasting the interviewer's – and thus the audience's – time.

What if an argument develops? Do not argue back: look hurt at the interviewer's bad manners.

Do not quote figures unless they are essential: it confuses the audience. Do not specify the number of points that you are going to mention: you may forget one.

Write down any personal names, quotations or initials (e.g. OSCE, ECSC) that you may wish to mention, to make sure that you do not get them wrong (or don't just go blank).

Remember that your opening phrase and your closing phrase are particularly important. It is the first impression that you give that sets the stage, and your exit lines that leave the most lasting impression of you.

Never admit that your government is in the wrong.

Never deviate from the fundamental sequence: Listen, Pause, Think, Answer.

PRESENTATION

The major rules of presentation are:

1. Voice

The importance of the voice is greatly underestimated in all aspects of personal communication. One's voice can immediately put someone on the defensive; it may even result in a hostile response to a simple query; on the other hand it may immediately establish a rapport wavelenght.

Learn how to breathe properly and learn how to control your breathing: start off taking a deep breath. Make your voice interesting – vary the pitch, the volume and the speed.

Speak clearly, softly rather than loudly, slowly rather than quickly.

Avoid saying 'um', 'er', or 'well' (silence is better, or slow down).

Pitch your voice up slightly at the beginning of a sentence, and indicate to the interviewer that your reply has come to an end by lowering your voice (if in English).

2. Body language

The major element of body language is facial expression, and it is essential to strike an appropriate balance between looking too animated on the one hand and too 'wooden' on the other: local perceptions and expectations may influence the balance, but diplomats generally are expected to be 'heavyweight' rather than 'lightweight'. They should normally face the interviewer (and listen positively and attentively),

rather than face the camera: those who wish to impose their personality on the viewers may do so, but that is not the role of a diplomat. Apart from facial expression, body language is also expressed in the way a person sits and moves: he may slouch in his chair and give the impression that he is doing the interviewer (and thus his audience) a great favour by deigning to be interviewed; he may sit awkwardly and give the impression of being inadequate and ill-at-ease, or he may move his eyes and head and wave his arms around in a distracting manner.

3. Appearance

Appearance is expected to be formal rather than casual, neat rather than scruffy, and appropriate to the occasion. If spectacles are likely to obscure the eyes they should, if possible, be removed five minutes before the interview; and ladies should avoid jewellery or a hair style that is distracting, or clothes that are of a dramatically contrasting pattern: it is advisable to check in advance the colour of the background of the interview room.

CONCLUSION

It is no exaggeration to say that we have arrived at a watershed – a point of no return – in international relations where there is potentially worldwide transparency, with everybody being able to see – with very few exceptions – what is going on in their neighbours' back gardens. And it is inevitable that the technical developments that are taking place with such rapidity in Information Technology in general and in television viewing in particular will present governments with opportunities and problems in the future that are as yet unforeseeable. And in this connection it is relevant to note that television viewers in Britain will soon have a choice of over one hundred channels on digital terrestrial broadcasting over and above anything that they may want to see on satellite television or the Internet. Misinformation and disinformation in the future may cause misunderstandings and arouse hatreds; but on the other hand the Global Society may produce a younger generation that sees violence and conflict as being barbaric and outdated. The media may perhaps give diplomats the opportunity through media diplomacy to develop the skill of mediation to the point where existing inter-cultural animosities can be overcome.

The majority of situations that call for mediation have their roots in the displacement of peoples, whether forced or voluntary; the imposition of alien rule or other fundamental contradictions: in Europe alone, millions of people live on the wrong side of their linguistic or cultural frontier, and elsewhere peoples with irreconcilable values live

in conditions of passive hostility within the same state. Nevertheless, it is often the case that a very limited number of individuals play a decisive role in any conflict situation, and the psychological impact of 'media attention' – even of 'media pressure' – on their reasoning and responses should not be underrated. Moreover, since diplomats are trained to appreciate the importance of words, they can use their influence to discourage fudge words such as 'safe haven' which have an emotional appeal and produce a mass response, but which create a false impression, distort reality and result in dashed expectations.

The essential requirement is that diplomats, with the encouragement of their governments, should be aware of the media revolution that is going on around them, and that they should think positively how they can utilise it for the benefit of their country's interest, and for the betterment of the Global Society of which they are part. They should take a positive interest in the subject and understand the progress of information technology revolutions and realise the speed of change in the technologies that will affect their work. Diplomats have adapted to working in the Computer Age: they now have to adapt to the Information Age and the Global Society.

ENTERTAINING

The primary purpose of entertaining is to afford the maximum pleasure and enjoyment to one's guests. But for diplomats it has a rather more serious purpose, and may in addition have the following objectives:

- (a) to improve the public image of their country;
- (b) to obtain opinions and information from local residents and from other diplomats;
- (c) to make friends and contacts which may prove useful;
- (d) to enable wives to meet and make friends with other wives so that they may share and discuss matters of mutual interest.

Also, and this is equally important, it enables heads and senior members of missions informally to 'sound out' members of the Ministry of Foreign Affairs (and to a lesser extent politicians, businessmen and other diplomats) regarding proposals they would like to make, but would rather not put into writing or raise officially lest the result should be a definite, and possibly irreversible, negative.

It would be unrealistic to pretend that hard and fast rules of conduct are universally applicable, because practice varies considerably from country to country, and the range of gradations between formality and informality is great. Nevertheless, it is possible to make certain generalisations, and the following deliberately err on the side of formality, on the grounds that it is safer to be too formal rather than too informal, just as it is safer for a lady to be over-dressed than under-dressed, though in both instances a telephone call to a friendly colleague is often the best way of resolving any doubts.

OFFERING HOSPITALITY

When offering hospitality in the form of lunch or dinner, there are two tasks to be undertaken apart from organising the food and drink and making sure that the date selected does not coincide with a major national day or local religious festivity: the seating plan and invitations.

THE SEATING PLAN

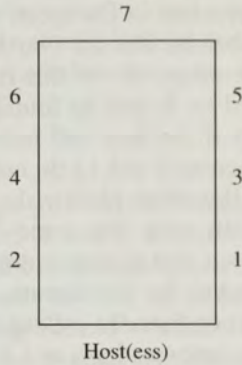
Before invitations are despatched for a lunch or dinner, a seating plan is worked out. The guests are selected, and it is essential first to ensure as far as possible that none are likely to clash (politically, personally or socially); and secondly that none are likely to object to the precedence that has been accorded to them.

The world community of states has grown rapidly in the past quarter of a century, and new social and cultural patterns have become established. Diplomatic interaction therefore is more complex, and the customs and practices of various communities need to be taken into account in diplomatic entertainment. Local custom and practice should generally prevail, with allowances being made appropriately for the sensitivities of individual guests. The essence of good diplomatic hospitality is the right atmosphere, and the compatibility of the guests is all important.

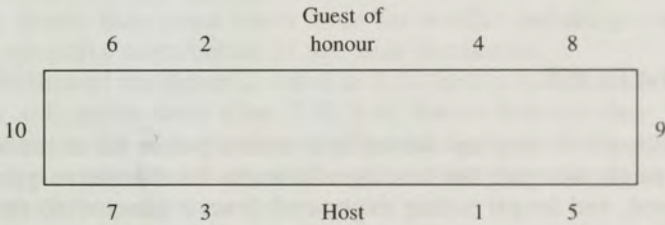
If diplomats only are present, the seating plan should cause no problems, given the absolute nature of their order of precedence (attachés being a possible complication); but if non-diplomats of the host country are present problems could easily arise, as their order of precedence is not so definite. In this latter instance senior diplomats and members of a Ministry of Foreign Affairs have a high degree of precedence, while among non-officials social status and age are major factors. In cases of doubt it is common practice to seek the advice of the Protocol Department; and it is normally found that a youthful guest will not resent giving way to age, particularly if the hostess adds a quiet word of apology.

Seating plans where only the host or the hostess is present and guests are all male or all female are based essentially on the principle that the senior guest sits on the host's right and the next senior on his left; the third senior on his right but one, the fourth senior on his left but one, and so on (in some Nordic countries, contrary to normal practice, seniority is on the left). The following examples may be adapted to circular tables without basic change:

All male/female seating plan: host/hostess and seven guests

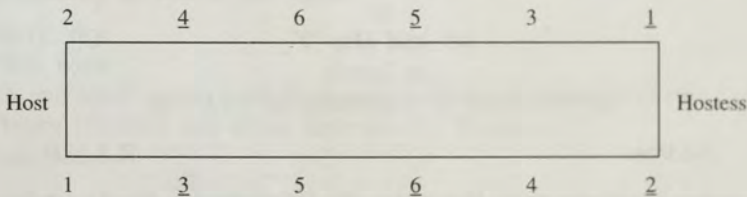


If a host were holding a luncheon or dinner in honour of a specific guest he might adopt the following plan:



When both host and hostess are present the principle is extended as follows:

Mixed seating plan: host, hostess and six couples (men underlined)



The same rules apply when the host and hostess sit opposite each other in the centre of the long sides of the table. This arrangement has many advantages, but tends to leave those at the ends of the table rather out in the cold: a situation aggravated if, as sometimes happens, the end places are not filled.

The hostess normally sits facing the door leading to the kitchen, so that she may more effectively control her staff.

It is not normally the practice in European countries for wives to be placed next to their husbands, nor do two ladies or two gentlemen normally sit next to each other, but in this respect the custom of the country should be adhered to. It will be found that tables of 6, 10 and 14 work out satisfactorily if the host and hostess are at opposite ends of a rectangular table, whereas 8 and 12 do not permit host and hostess to sit at opposite ends. However 14 is risky, because if one person drops out the hostess is left with – to some – an unlucky 13.

It may sometimes happen that a couple drop out, or that one of the partners is unable to attend at the last minute. In these instances members of one's own mission or friendly colleagues may be asked to help out. When members of an ambassador's or a high commissioner's staff include their head of mission and his wife in the guest list for a lunch or dinner it is customary for the latter to be seated as though they were the hosts in the same way as a Foreign Minister or a Head of State does when visiting one of his own missions.

INVITATIONS

These should be sent out two or three weeks before the event: shorter notice might not give the host time to invite an alternative guest if it is refused, and longer notice might embarrass a guest who, for some reason, might wish to refuse on some fictitious grounds, e.g. that he had a prior engagement.

Invitations are written in the third person and normally in the following style:

The Ambassador of and Mrs 'X'
Request the pleasure of the company
of
Mr and Mrs 'Y'
at Lunch
on Thursday 17 September at 1.15 p.m.

Address

R.S.V.P.

In certain instances (e.g. if inviting the Minister for Foreign Affairs) one would request 'the *honour* of the company'. An alternative method (the current practice for the particular post should always be followed) is to issue the invitation by telephone, if appropriate through secretaries. If the answer is in the affirmative, the host or hostess then sends an invitation card with the necessary details and with the initials 'p.m.' or the words 'to remind', and encloses a list of guests giving their titles

and function. This ensures that all those invited know in advance who the other guests are and what they do – an obvious aid to successful entertaining.

An invitation to dinner would include the type of dress: e.g. 'Black Tie' or Lounge suit or for ladies 'Long dress' where appropriate.

A DINNER PARTY

Should one arrive with a gift for the hostess? In most countries it is customary to do so, and a small, attractively wrapped gift perhaps related to one's own or the host country is a courteous gesture. Flowers are traditional, but should be sent in advance rather than delivered personally, otherwise the hostess – unless she has a large domestic staff – will not have time to deal with them.

It is customary at a gathering of ten or more for a table plan to be displayed so that guests may know their table places in advance; otherwise it is the task of the hostess to indicate to guests where they sit when they enter the dining-room. When ten or more are invited all places should have name cards: even for smaller gatherings these can be an attractive contribution to the table decoration.

If the time of the dinner is stated as 7.30 for 8 p.m. it is expected that guests will arrive soon after 7.30 p.m. (never before); they will be introduced to the other guests and will drink fruit juice or aperitifs until about 8 p.m. (or later if any of the guests have been late in arriving), after which time dinner will be served.

Guests will be welcomed by the host and hostess and introduced to the other guests present. If guests arrive late and the host and hostess are not awaiting them on their entry into the room, they must seek them out, apologising for their lateness, whereupon they will be introduced to those already present.

The following are usually served as aperitifs together with others customarily served in the region:

Sherry, dry

White wine

Gin and tonic water, with preferably a slice of lemon peel (the 'zest')

Whisky (Scotch) and soda; alternatively Bourbon

Fruit juice

When all the members of the party are assembled and when the hostess has been told by a member of the staff that dinner is ready, she will lead the guests into the dining-room. On very formal occasions the gentlemen will be asked to escort specific ladies to their places, but such a procedure is rare. It is, however, a courtesy to help the lady on one's right to seat herself at the table by pulling out her chair for her. (It is also a nice introduction.)

The choice of menu will depend on personal taste and circumstances, but dietary restrictions of guests on account of health or religion have always to be taken into account.

During the meal it is the duty of the host and hostess – and indeed of all the guests – to ensure that no individual or group monopolises the conversation to the exclusion of any one of the company. The men, in particular, should engage the ladies on either side of them in conversation, irrespective of their charm or vivacity, to an equal extent throughout the meal. At sometime during the meal it will be appropriate for the host to say a few words of welcome, and for the senior guest to reply.

At the end of the meal, when all have finished, the hostess catches the eye of the senior lady present to ensure that she is ready to leave the table, and will then rise from her seat; that being a signal for all to rise. If it is the practice for the men to remain at the table to discuss matters of business after the ladies have left they will normally congregate at one end for their coffee, cigars and liqueurs. If lady diplomats are present, and wish to join in the discussions, it is the responsibility of the host to ensure that they feel welcome to do so. It is not advisable to smoke during a meal, as this may cause offence to others; nor should cigars be lit until after the toast (where appropriate) has been given or the port has been circulated (customarily clockwise). In order to bring the evening to a close drinks may be served around 10.30 p.m. (the time depending on local custom), after which the senior guest will leave followed by the others. If an Ambassador is present as a guest and also a member of his staff, the latter should not leave before his head of mission. Ambassadors and other particularly important guests are normally escorted to their cars.

After an interval of two or three days it is customary in some countries for guests to send a visiting card marked 'p.r.' (*pour remercier*), to say 'thank you' for the dinner or, more personally, to write a 'thank-you' letter.

A BUFFET DINNER

In recent times a popular method of entertaining has been the Buffet Dinner. It provides an opportunity to offer a variety of dishes to meet various tastes and dietary restrictions, and it enables the host and hostess more effectively to move among their guests. There are many variations. Guests may be formally seated at tables of six or eight where the first course is served, with guests subsequently helping themselves at the Buffet Table. In rather formal Buffet Dinners it would not be unusual for the second course to be served, and also the dessert. A slightly less formal buffet would be to arrange table placings by name at round or card tables, but no courses would be served: guests would help themselves. An informal Buffet Dinner would be one without place

settings, but with tables for guests to sit where they will. And finally a Buffet Dinner organised by a diplomat in a small house or apartment could be quite informal with guests sitting wherever seats are available or – as a last resort – standing.

A LUNCH PARTY

The invitation, seating plan and other arrangements (including the leaving of cards, *p.r.*) are the same as for a dinner, but the meal will be lighter and the general atmosphere of the party is likely to be less formal. Ladies (guests) may or may not wear hats, according to the custom of the country (the hostess never wears a hat). Guests are normally invited at 1 o'clock for 1.15 p.m., in which case they would leave between 2.15 and 2.30 p.m. They will be offered aperitifs or fruit juice on arrival and, after the meal, coffee and liqueurs.

A COFFEE PARTY (*LADIES*)

Coffee parties are a useful, simple and fairly informal method of enabling wives to meet other wives; but they are not popular with late risers. It may or may not be the custom to wear hats: cards '*p.r.*' are not left. If invited for 11 o'clock, guests would leave soon after 12 noon.

A TEA PARTY (*LADIES*)

Tea parties tend to be rather formal, and last approximately from 4 o'clock until 5.15 p.m. It may or may not be the custom to wear hats; card are not left.

A VIN D'HONNEUR

When there is a specific cause for celebration or for honouring an individual or a group of people – for example when a Head of Mission has presented his credentials, an agreement has been signed or a delegation has arrived – a Vin d'Honneur is commonly offered. Drinks, both alcoholic and non-alcoholic – often champagne – are served, and the occasion, which is quite formal, usually lasts for about an hour.

GENERAL OBSERVATIONS

For Muslims and people of the Judaic faith, pork or pork products are unacceptable, and orthodox Muslims and Jews will not eat other meats

unless they are halal or kosher respectively. If one has guests of the Hindu faith, it would be improper to serve beef, but it would not be unreasonable to serve a vegetarian meal, making particular provision for one's vegetarian guests. It would therefore be a thoughtful gesture to enquire about any dietary restrictions your guests may have when inviting them to a function, making appropriate arrangements to meet particular sensitivities.

In East Asia, the preferred implements for eating are chopsticks. In South-East and South Asia and in West Asia one uses knives, forks and spoons or one's fingers, but it is taboo to use the left hand. When in doubt the rule is to do as one's host or hostess does.

In many non-European societies it is considered impolite to hand or receive anything with the left hand; also in some societies it is impolite to point with the index finger or to sit in a manner where the soles of your feet or shoes are visible to your host or guests.

In many Asian societies it is customary to remove one's shoes before entering a home. Moreover, more orthodox Muslims do not shake the hand of a person of the opposite sex. In all such situations it would be wise to be guided by local custom and practice.

It is also useful to bear in mind that smoking is actively discouraged by some hosts and hostesses. Smokers should look out for signs: the non-availability of ashtrays being a clear signal that smoking is not welcome.

ACCEPTING HOSPITALITY

Invitations in writing should be answered promptly, preferably within twenty-four hours. If they are not answered promptly and the answer is in the negative, the hostess will not have an opportunity to find a suitable substitute. The reply is in the third person, and on the following lines:

Mr and Mrs X thank Mr and Mrs Y for their kind invitation to dinner on Thursday 3rd May at 7.30 p.m. and have much pleasure in accepting.

or

Mr and Mrs X thank Mr and Mrs Y for their kind invitation to dinner on Thursday 3rd May at 7.30 p.m. but very much regret that they will be unable to accept as they will be away from on that date (or 'owing to a previous engagement').

If a husband and wife are invited to lunch or dinner and only one can attend, it is usual to decline on behalf of both. If, however, a

verbal understanding is reached, or if the occasion does not involve a seating arrangement (e.g. a reception), then the one may accept for himself (occasionally herself) alone, the reply being on the following lines:

Mr and Mrs X thank Mr and Mrs Y for their kind invitation to a reception on Thursday 3rd May at 9 p.m. Mrs X very much regrets that she will be unable to attend, but Mr X has much pleasure in accepting.

The time of a function is specified on the invitation; for lunch or dinner it is considered a politeness to arrive at the time stated, or preferably five minutes later. For most receptions and cocktail parties the time of arrival is more flexible, as it must be if two or more have to be attended on the same night. In these circumstances it is not unknown for husband and wife to fulfil an engagement separately, usually meeting at the final function; and in the case of representation at national day celebrations, members of a mission will often take it in turn to be present. If however, the reception is given for an occasion when a speech is likely to be made, for example the award of a decoration or a farewell, then it is important to arrive within 15–20 minutes of the time stated on the invitation.

The time of departure from a function varies, but it is better to be brief than to overstay one's welcome.

SAYING 'THANK YOU'

The counterpart to generous hospitality by the host or hostess is appreciation on the part of the guest, and ways of showing this will depend both on the occasion and the custom of the country. After a mixed dinner, a mark of appreciation would normally be appropriate, and this might take the form of flowers to the hostess either before or after the occasion, or for those of less exuberant temperament the humble 'thank-you' letter. This follows the simple rule that it should contain only sentiments of appreciation, and might be on the following lines:

Dear Mrs

I am writing to say how very much my husband and I appreciated your kind hospitality last night.

The dinner was a most enjoyable occasion, and we are very grateful for your kind invitation.

Yours sincerely,

INTRODUCING PEOPLE

A gentleman is normally presented or introduced to a lady; and a junior is always presented to a senior, e.g.

‘Mrs Smith, may I introduce Mr Jones.’

Similarly:

‘Your Excellency (Ambassador), may I present Mr Robbins, Counsellor in the Ruritanian Embassy.’

When introducing two people, the simple presentation of the one to the other by name is rarely adequate. If, as at a reception, they may be expected to embark on a conversation it is essential to give a brief description of their respective functions, e.g. ‘Mrs Smith, may I introduce Mr Silva? Mr Silva is Cultural Attaché at the Brazilian Embassy and knows Scandinavia well. Mrs Smith’s husband is a director of Wotherspoons, and they have just arrived from Oslo.’

VISITING CARDS

The visiting card is a useful device in that it performs functions on behalf of its owner. It may be delivered personally, delivered by chauffeur or sent by post, according to local custom and the degree of intimacy that it is designed to convey. For example, if the Ruritanian Counsellor, who is married, arrives at a post he may (if it is the local practice) send or take to Counsellors of other missions (who are married) two of his own cards and one of his wife’s; and the two parties would consider themselves as being formally introduced to each other and free to act accordingly. The reason for the Ruritanian Counsellor presenting two of his own cards and one of his wife’s is that he may present his compliments to another Counsellor and to that Counsellor’s wife; but a lady in these circumstances will only present her compliments to another lady: it would not be correct for her to present them to a man unless she were herself a diplomat. To those who are unmarried he would send or take one card of his own.

Visiting cards may also convey specific messages, which take the form of initials pencilled at the bottom. The most common ones are:

- p.p. *pour présentation*: to introduce or present somebody
- p.p.c. *pour prendre congé*: to take one’s leave, or say farewell
- p.r. *pour remercier*: to thank, e.g. for a dinner
- p.c. *pour condoléances*: to express condolences
- p.m. *pour mémoire*: to remind.

Visiting cards may be 'cornered' (i.e. the top lefthand corner is folded down, then back nearly to its original place) to indicate that they have been presented personally.

It is usual for a married diplomat to have at least two sets of cards: one with his name, rank and embassy; and one bearing only his name and that of his wife.

Perhaps the most important function of a visiting card is to serve as a reminder of new acquaintances made at receptions and other functions – their name, initials, address and rank. Diplomats on all such occasions should go well equipped with a supply of their own cards for distribution, and in their turn can build up a valuable collection of other people's as a source of reference.

WINES AND LIQUEURS

WINES

Wines are part of the tradition of diplomatic entertainment in many countries, and although the past decade has witnessed the transformation of wine-production from the age-old skill of viticulture to its modern status as a branch of the agro-chemical industry, a basic knowledge of the subject is not entirely irrelevant.

(a) *Table wines*, i.e. those drunk with a meal, may be categorised in various ways, e.g. by colour – red, rosé (pink) or white; by taste – sweet, medium or dry; by effervescence – sparkling or still; by 'body' – full-bodied or light, and, of course, by country. The 'vintage' of a wine is the year in which the grapes were harvested. Some years have produced better wines than others, and a 'vintage chart' providing the relevant information can be purchased for a small sum; if a wine is 'non-vintage' it may be a blend of wines of various years.

(b) *Fortified wines* are wines to which alcohol (usually brandy) has been added. They may be drunk before a meal as aperitifs, or at the end of a meal as dessert wines.

At the end of a meal port wine is a traditional drink in many countries. Vintage port is matured mainly in the bottle; tawny (and ruby) are matured in the wood and should not be kept long in the bottle. A suitable alternative is madeira: Bual, Malvasia (Malmsey) or Verdelho.

Vintage ports and some red wines develop with age a deposit at the bottom of the bottle and need decanting; the clear wine is poured carefully into another vessel (usually a 'decanter') and the dregs or lees are left behind: the process also airs the wine.

Entertaining

(c) *Spiced and fortified wines* include vermouths: red (sweet) and white (dry); and a variety to be found under trade names such as Cinzano, Dubonnet, etc.

Choosing wines

The choice of wines with a meal is essentially a matter for individual taste, but as a general rule dry white wine goes with fish; red wine with meat, and sweet wine with sweets. The following may be taken as an example, but much depends on whether the food is plainly or richly prepared.

Soup	Dry sherry or madeira
Fish	Plainly cooked: Moselle; in rich sauce: white burgundy
White meat	Plainly cooked – Rhine spätlese; in a rich sauce – red burgundy
Roast or game	Claret, red burgundy, red Rioja Gran Reserva
Sweets	Sauterne or sweet hock
Cheese	Full red wine, port
Dessert	Port or madeira

Red wines are best if served at room temperature (in cold climates they are usually served too cold). They should not be rapidly heated (e.g. placed in hot water or too close to a fire); and if possible they should be brought into the dining-room several hours before the meal and allowed to 'rest', and the heavier ones given time to 'breathe' with the cork extracted, care being taken that they are not jostled. All white wines should be served chilled; sweet white wines may be served cold.

Many countries now produce excellent wines of appropriate type, and in such countries it is always a compliment to one's guests to serve their 'national' wine.

The transformation of wine production in recent years has had two major consequences: the emphasis on 'varietal' wines i.e. those made of one or two specific grape varieties (e.g. Cabernet Sauvignon, Merlot, Pinot Noir, Syrah among the reds and Chardonnay, Riesling, Sauvignon Blanc, Steen and Tokay among the white) in place of 'regional' wines usually containing traditional grape varieties; and the increase in the number of wine-producing areas. Apart from the traditional European producers, wines eminently suitable for diplomatic entertainment are now available from other parts of the world, particularly Australia, California, Chile and New Zealand; whilst South Africa is making a welcome return, with its 300-year-old tradition of wine-making being reflected in the excellence of its products.

France and Germany nevertheless remain in the forefront of producers of 'fine wines', and whilst the wording on the label cannot in

all cases be taken as a precise indication of the contents of the bottle, the following information is a useful guide.

FRENCH WINES

There are three categories of French table wines: '*Appellation d'Origine Controlée*' (A.C.), '*Vin Délimité de Qualité Supérieure*' (V.D.Q.S.) and '*Vin de Table*' (Vin de Pays); the two latter being mainly for local consumption.

Bordeaux is the most prominent producer of *red A.C. wines* (claret) which bear the year of the vintage and the name of one of its regions, e.g. Haut Médoc, or alternatively one of its communes, e.g. St-Estèphe or Pauillac.

The white A.C. wines which are famous are sweet: from Sauternes, which includes Barsac, and Château Yquem.

The higher quality red and white Bordeaux wines are usually bottled on the Estate and will bear on the label the words 'mis en bouteilles dans nos caves', 'chais' or 'celliers'; whilst the cork will be marked 'mis en bouteille' . . . etc. The length of the cork usually indicates the quality of the wine: the longer, the better.

Certain wines from Bordeaux in the Appellation Controlée category are entitled to be described as '*classed growths*' on the basis of classification awards, and may add to their label 'premier cru', 'deuxième cru', etc., to 'cinquième cru' depending on their rating in 1855 when the awards were made. Some of lesser standing may be styled 'Cru Bourgeois'. As a general rule fine wines from Bordeaux (and from the Loire) will bear the name of a Château (i.e. the vineyard).

Burgundy: Burgundy may come under various general headings such as 'Bourgogne', 'Côte de Beaune Villages', etc., but the fine wines are from the *Côte de Nuits* (preferably red), e.g. Fixin, Gevrey Chambertin; and from the *Côte de Beaune* (preferably white), e.g. Volnay, Meursault.

Wines from Burgundy do not bear the name of a Château, but may show the name of the 'Clos', 'Domaine' or occasionally the vineyard where appropriate; and the white wines are all dry.

Further south in the Burgundy region come *Macon* (red and white); and *Beaujolais* which is almost entirely red. *Beaujolais primeur* is drunk within a few months of the vintage.

Entertaining

The *Côtes du Rhône* produces some good, often slightly sharp-tasting full-bodied red wine especially from Châteauneuf-du-Pape.

The *Loire Valley* produces a wide variety of red, rosé and white wines, bearing famous names such as Sancerre and Muscadet.

Wines from *Alsace* are mainly light, clean and dry; and *Champagne* is a wine mainly for celebration.

GERMAN WINES

Production of German wine falls into three categories: (1) Table wine, (2) Quality wine and (3) specially graded Quality wines.

1. *Tafelwein*: consumed mainly in Germany.
2. *Qualitätswein*: quality wine made from approved grape varieties. Within this category falls *Liebfraumilch*, which is a *Qualitätswein* from Rheinpfalz, Rheinhessen, Nahe or Rheingau.
3. *Qualitätswein mit Prädikat*: the highest category of German wine; must also be from approved grape varieties.

Kabinett: lightest of these wines, usually dry.

Spätlese: literally means late harvest; wines have more body, and a degree of sweetness.

Auslese: rich wines made from the ripest bunches of grapes, picked individually.

Beerenauslese: wines of exceptional quality, from individually selected grapes; sweet and full-bodied.

Trockenbeerenauslese: highest category of German viticulture; a wine rarely made; from individually selected grapes, shrivelled almost to raisins.

Eiswein: rare wine made from grapes harvested and crushed while still frozen.

Sekt: sparkling wine, whose effervescence reflects characteristics of the Rhine and Mosel.

The label will normally also include the name of the vineyard/property (e.g. the Weingut) and the region (the Bereich); the official growers' number (the Amtliche Prüfungsnummer); the type of grape (e.g. Riesling, Müller-Thurgau, Sylvaner); and the word Erzeuger-Abfüllung if the wine is estate bottled.

LIQUEURS

Liqueurs are potent, concentrated drinks and are taken after a meal. Mostly they have a brandy base to which herbs, fruit and/or syrup are added.

NON-ALCOHOLIC DRINKS

It should always be borne in mind that many people, for a variety of reasons, drink non-alcoholic beverages, and that as much care should be taken in providing for their taste as is taken for those preferring alcohol. Orange juice (unless freshly pressed) is often the last resort of the unimaginative.

INTERNATIONAL ABBREVIATIONS

The letters 'q.v.' indicate that the subject is referred to elsewhere in the text.

ACP	African, Caribbean and Pacific Countries, European Union/Lomé Convention (q.v.)
AFTA	ASEAN Free Trade Area
AID	Agency for International Development (US Government Agency)
ALADI	Latin American Integration Association (q.v.)
APEC	Asia-Pacific Economic Cooperation
ARF	ASEAN Regional Forum
ASAT	Anti-satellite systems
ASEAN	Association of South-East Asian Nations (q.v.)
ASEM	Asia-Europe Meeting
BCEAO	Banque centrale des Etats de l'Afrique de l'Ouest
BENELUX	Customs Union of Belgium, the Netherlands and Luxembourg
BIS	Bank for International Settlements (q.v.)
B-ISDN	Broadband integrated services digital network
BSEC	Black Sea Economic Cooperation
CABEI	Central American Bank for Economic Integration
CARICOM	The Caribbean Community (q.v.)
CBM	Confidence-building measures
CCCN	Customs Cooperation Council Nomenclature
CCD	Conference of the Committee on Disarmament
CCEET	Centre for Cooperation with European Economics in Transition
CD	Committee on Disarmament
CEEAC	Economic Community of Central African States

CEFTA	Central European Free Trade Area
CEI	Central European Initiative
CEPT	Common Effective Preferential Tariff
CERN	European Council for Nuclear Research
CFCs	Chlorofluorocarbons (q.v.)
CGCED	Caribbean Group for Cooperation in Economic Development
CIPEC	Intergovernmental Committee of Copper-Exporting Countries
CIS	Commonwealth of Independent States
CITES	Convention on International Trade in Endangered Species
CNAD	Conference of National Armaments Directors
COMESA	Common Market for Eastern and Southern Africa
CONDECA	Central American Defence Council
COREPER	Council of Permanent Representatives (EU) (q.v.)
CPISA	Convention on the privileges and immunities of Specialised Agencies
CPIUN	Convention on the privileges and immunities of the UN
CPLP	Lusophone Community
CRSIO	Convention on the representation of states in their relations with international organisations
CSM	Convention on Special Missions
CUSRPG	Canada-US Regional Planning Group
DAC	Development Assistance Committee (OECD) (q.v.)
DCM	Deputy Chief of Mission
EAEC	European Atomic Energy Community (EURATOM)
EACC	Euro-Atlantic Cooperation Council
EBRD	European Bank for Reconstruction and Development
ECA	Economic Commission for Africa (UN)
ECE	Economic Commission for Europe (UN)
ECLAC	Economic Commission for Latin America and the Caribbean (UN)
ECOBANK	Economic Community Bank
ECOMOG	ECOWAS Monitoring Group
ECOSOC	Economic and Social Council (UN)
ECOWAS	Economic Community of West African States (q.v.)
ECSC	European Coal and Steel Community
EDF	European Development Fund (EC)
EEA	European Economic Area
EEC	European Economic Community
EEZ	Exclusive Economic Zone (q.v.)

International Abbreviations

EFTA	European Free Trade Association (q.v.)
EIB	European Investment Bank (EU) (q.v.)
ELDO	European Launcher Development Organisation (EC)
EMI	European Monetary Institute (EC)
EMS	European Monetary System (q.v.)
EMU	Economic and monetary union (EU)
ENEA	European Nuclear Energy Agency (OECD)
ERM	European Exchange Rate Mechanism (EU)
ESCAP	Economic and Social Commission for Asia and the Pacific (UN)
ESCWA	Economic and Social Commission for Western Asia (UN)
ESRO	European Space Research Organisation
FAO	Food and Agriculture Organisation (q.v.)
FCO	Foreign and Commonwealth Office (UK)
GAB	General agreement to borrow (IBRD) (q.v.)
GATT	General Agreement on Tariffs and Trade (q.v.)
GDP	Gross Domestic Product (q.v.)
GEF	Global environment facility (IBRD)
HABITAT	United Nations Centre for Human Settlements (Nairobi)
HDTV	High-definition television
IADB	Inter-American Development Bank
IAEA	International Atomic Energy Agency (q.v.)
IATA	International Air Transport Association
IBRD	International Bank for Reconstruction and Development (q.v.)
ICAO	International Civil Aviation Organisation (q.v.)
ICBM	Inter-Continental Ballistic Missile
ICFTU	International Confederation of Free Trade Unions (Brussels)
ICJ	International Court of Justice (q.v.)
ICO	Islamic Conference Organisation (q.v.)
ICSID	The International Center for the Settlement of Investment Disputes
IDA	International Development Association (IBRD) (q.v.)
IDB	Inter-American Development Bank (q.v.)
IEA	International Energy Agency
IFAD	International Fund for Agricultural Development (q.v.)

IFC	International Finance Corporation (IBRD) (q.v.)
ILC	International Law Commission (q.v.)
ILO	International Labour Organisation (q.v.)
IMF	International Monetary Fund (q.v.)
IMO	International Maritime Organisation (q.v.)
INF	Intermediate Nuclear Forces
INIS	International Nuclear Information System (q.v.)
INSTRAW	International Research and Training Institute for the Advancement of Women (q.v.)
INTERPOL	International Criminal Police Organisation
IONARC	Indian Ocean Association for Regional Cooperation
ITU	International Telecommunications Union (q.v.)
LAFTA	Latin American Free Trade Area
LAIA	Latin American Integration Association (q.v.)
LDC	Less-developed country
LLDC	Least-developed country
MBFR	Mutual and Balanced Force Reductions
MCCA	Central American Common Market (q.v.)
MERCOSUR	Southern common market (q.v.)
MFA	Multi-fibre arrangement
MFN	Most-favoured nation (q.v.)
MIGA	Multilateral Investment Guarantee Agency (IBRD) (q.v.)
MRU	Mano River Union
NAB	New Arrangements to Borrow
NACC	North Atlantic Cooperation Council
NAFTA	North American Free Trade Agreement (q.v.)
NATO	North Atlantic Treaty Organisation (q.v.)
NBC	Nuclear, Biological, Chemical
NEA	Nuclear Energy Agency
NGO	Non-governmental Organisation (q.v.)
NIC	Newly industrialising country
NIEO	New International Economic Order
NORDEK	Nordic Union
NPT	Treaty on the Non-Proliferation of Nuclear Weapons (q.v.)
OAPEC	Organisation of Arab Petroleum Exporting Countries
OAS	Organisation of American States (q.v.)
OUA	Organisation of African Unity (q.v.)
OCAS	Organisation of Central American States

International Abbreviations

ODA	Official Development Assistance (UNCTAD)
ODECA	Organisation of Central American States
ODIHR	Office for Democratic Institutions and Human Rights (OSCE)
OECD	Organisation for Economic Cooperation and Development (q.v.)
OECS	Organisation of Eastern Caribbean States (q.v.)
OPEC	Organisation of the Petroleum Exporting Countries (q.v.)
OSCE	Organisation for Security and Cooperation in Europe (q.v.)
p.a.	per annum: yearly
PALOP	Organisation of Lusophone African States
p.c.	per capita: per person
PECC	Pacific Economic Cooperation Council
PfP	Partnership for Peace (NATO)
PLO	Palestine Liberation Organisation
PPP	Purchasing power parity
PTA	Preferential Trade Area
q.v.	Quod vide: the immediately preceding word or phrase appears elsewhere in the text
R and D	Research and Development
RCDC	Regional Cooperation among Developing Countries
RDF	Rapid Deployment Force
RNC	River Niger Commission or the River Niger Basin Authority
SAARC	South Asian Association for Regional Cooperation (q.v.)
SACLANT	Supreme Allied Commander Atlantic
SACEUR	Supreme Allied Commander Europe
SACU	Southern Africa Customs Union
SADC	Southern African Development Community (q.v.)
SALT	Strategic Arms Limitation Talks
SAM	Surface-to-air missile
SATCOM	Satellite Communication
SDI	Strategic Defence Initiative
SDR	Special drawing rights (IMF) (q.v.)
SEANWFZ	South-East Asia Nuclear Weapon-Free Zone
SELA	Latin American Economic System (q.v.)
SPC	South Pacific Commission (q.v.)

SPF	South Pacific Forum (q.v.)
SPOCC	South Pacific Organisations Coordinating Committee (q.v.)
STABEX	System of Stabilisation of Export Earnings (Lomé Convention) (q.v.)
START	Strategic Arms Reduction Talks
SYSMIN	System of Stabilisation of Mining Exports (Lomé Convention) (q.v.)
TAC	Treaty of Amity and Cooperation
TNC	Transnational Corporation
UAM	Union Africaine et Malagache
UN	United Nations
UNAMIR	UN Assistance Mission to Rwanda
UNCDF	United Nations Capital Development Fund
UNCITRAL	UN Commission on International Trade Law
UNCTAD	United Nations Conference on Trade and Development (q.v.)
UNDC	UN Disarmament Commission (q.v.)
UNDOF	UN Disengagement Observer Force
UNDP	United Nations Development Programme (q.v.)
UNDRO	United Nations Disaster Relief Office
UNEP	United Nations Environment Programme (q.v.)
UNESCO	United Nations Educational Scientific and Cultural Organisation (q.v.)
UNFPA	United Nations Fund for Population Activities (q.v.)
UNHCR	United Nations High Commission for Refugees (q.v.)
UNICEF	United Nations Children's Fund (q.v.)
UNIDO	United Nations Industrial Development Organisation (q.v.)
UNIFIL	United Nations Interim Force in Lebanon
UNITAR	United Nations Institute for Training and Research (q.v.)
UNMOT	UN Mission of Observers in Tajikistan
UNRISD	United Nations Research Institute for Social Development
UNRWA	United Nations Relief and Works Agency for Palestine Refugees and the Near East (q.v.)
UNSSD	UN Special Session on Disarmament (q.v.)
UNTSO	United Nations Truce Supervision Organisation
UNU	United Nations University
UPU	Universal Postal Union (q.v.)

International Abbreviations

VER	Voluntary Export Restriction (EU)
VRA	Voluntary Restraint Arrangement (GATT)
VNR	Video News Release
WEU	Western European Union (q.v.)
WFC	World Food Council
WFP	World Food Programme (UN/FAO)
WHO	World Health Organisation (q.v.)
WIPO	World Intellectual Property Organisation (q.v.)
WMO	World Meteorological Organisation (q.v.)
WTO	World Trade Organisation
ZOPFAN	Zone of Peace, Freedom and Neutrality

ISLAMIC FESTIVALS

The two major festivals in the Islamic calendar, apart from the Prophet's birthday, the Ascension of the Prophet and the Islamic and Christian New Years, are: (a) the *īd al fitr* or Little Festival which marks the end of the month *Ramadān* and is held during the first days of the following month, *Shawwāl*; and (b) the *īd al adha al mubārak* or Great Festival which lasts for four days and is associated with the sacrifice at *Minā* made by the pilgrims who are undertaking the *Hajj* to Mecca.

During the entire month of *Ramadān* fasting takes place from dawn to sunset, and a special festival is the Day of Decrees on the twenty-seventh of the month.

The Islamic calendar takes as its starting point the Prophet's move from Mecca to Medina (the *Hijra*) on 16 July AD 622 (or 'CE' for Christian era) which became the first day of the Islamic era ('AH' for *Anno Hegirae*). The calendar is based on the lunar month of 29^{1/2} days with twelve months in the year (the months consisting of twenty-nine and thirty days alternately) which results in a year of 354 days. The Islamic year is consequently shorter by approximately eleven days than the solar year, and *Ramadān* and other festivals are therefore eleven days earlier each year according to the non-Islamic (or Gregorian) calendar. It should be noted that, traditionally, a 'day' starts at sunset. Friday is the Day of Prayer when all offices are closed; and in some countries the Thursday is included in this 'week-end'.

In addition, Shī'ite Muslims celebrate the death at Kerbela of Husain, grandson of the Prophet and son of Alī the fourth Caliph. This festival begins on the first day of Muharram (the first month of the Islamic year) and comes to a climax on the tenth day, the anniversary of Husain's death in the year 61 AH (10 October AD 680). The occasion is one of deep mourning.

THE ENVIRONMENT

The protection of the local environment (as exemplified by the U.K. Clean Air Act of 1956) has long been a matter for national politicians, whilst the protection of the regional environment has been dealt with by diplomats, negotiating such treaties as the Rhine River Treaty and the 1991 Protocol for the Protection of the Environment in the Antarctic.

Now, as a result of man's ability to influence the world's climate through rapid advances in technology and a dramatic increase in population, it is accepted that the global environment is under threat, and it has become a matter of major international concern, of urgency and priority for the international Community as a whole. Population pressures, industrialisation, deforestation new technologies, a build-up of carbon dioxide (CO₂) and other 'greenhouse' gases in the atmosphere, new pollutants, man's enhanced material expectations, changes in methods of farming the land and sea – all have combined to threaten the stability of the world's climatic system, and with it the world's existing ecosystem. It is difficult to gauge the extent of this threat to the world's climate, since change is the essence of climate as a consequence of global and universal factors outside man's knowledge and influence – such as the change in the earth's angle on its axis or the phases of sunspots, and little is known of the interrelationships between these factors. Accurate measurements have been available only for decades, whereas climatic changes are to be reckoned in millennia; nevertheless the protection of the global environment is a supreme example of the need for positive diplomacy and international cooperation, and the 'Earth Summits' of 1992 in Rio de Janeiro and of 1997 in New York and Kyoto have addressed the problem to some extent, but have not succeeded in giving practical effect to the 1992 Framework Convention on Climate Change: nor determined who shall pay for it. The destructive effect of present practices on the ecosystem – such as desertification and loss of bio-diversity – acid rain, toxic waste and marine pollution are being actively tackled, but there are four major areas of global concern, which can only be resolved by positive diplomacy on a comprehensive international basis:

1. THE OZONE LAYER

A major factor in maintaining the world's existing ecohabitat is a concentrated layer of ozone gas approximately fifteen miles above the earth's surface. This acts as a shield preventing a harmful quantity of the sun's ultra-violet rays from reaching the earth. It is only in recent years that appropriate technology has enabled the ozone layer to be measured, but during this time it has become evident that it is decreasing steadily and substantially. It is also known that chlorofluorocarbon gases (CFCs) destroy ozone molecules. These are being produced and used especially as refrigerants, in the production of foam plastics, and in aerosols. If the depletion of the ozone layer and the creation of 'ozone holes' were to continue, the increased impact of ultra-violet rays could affect not only the animal food chain, but also human health; and whereas cause and effect cannot be conclusively proved there is sufficient reason to justify a total and worldwide ban on CFCs which also have an effect on global warming.

As a result of initiatives in this direction, the Vienna Convention for the protection of the Ozone Layer was signed in 1985, followed by the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer, as amended in June 1990. Incremental costs relating to the phasing out of CFCs can be funded in developing country signatories from the Montreal Fund which was established by the Montreal Protocol. The European Union and other major industrialised countries have agreed to forbid the manufacture and use of CFCs.

2. GLOBAL WARMING AND THE GREENHOUSE EFFECT

Whereas change is the essence of the earth's climate, whether in cycles of decades, centuries or millennia, it remains a fact that the rapidly increasing use of fossil fuels could result in unexpected and dangerous consequences; resulting products such as carbon dioxide, methane and nitrous oxide are known to trap heat and create a 'greenhouse' effect. There is always the possibility that global warming might trigger off unexpected and potentially disastrous changes, but its main impact would be to alter the regional emphasis of the world's climate and consequently the agriculture – with unknown social and political consequences – and gradually raise the level of the seas and influence ocean currents and marine life.

The major cause of global warming is judged to be the use of fossil fuels – oil, lignite, coal, and wood – mainly in industry, transport and

the generation of electricity, but also for domestic purposes; but reservations in respect of the use of nuclear fuels prevent serious reduction of the output of carbon dioxide. Funds for the reduction in growth of global warming gases are to be made available by donor countries through the Global Environment Facility, a joint organisation of the World Bank, the United Nations Development Programme and the United Nations Environmental Programme.

3. BIODIVERSITY

The relatively recent discovery of DNA has opened up the field of genetic engineering, with its prospects of worldwide benefits especially in medicine. Bio-technology, however, is dependent upon the preservation of biodiversity – the vast number of different forms of life existing on the planet – and the ability to have access to such sources. These two matters – preservation and access – more particularly the financial basis on which access is permitted, were the subject of the Convention on Bio-Diversity signed at the 1992 Earth Summit in Rio de Janeiro.

4. THE PRESERVATION OF FORESTS

The preservation of forests – particularly the rainforests – is seen as the major element in the maintenance of biodiversity, and their diminution or destruction would, in addition, undoubtedly result in a change of influence of the world's climate and accentuate the problem of soil erosion.

The origins of the 1992 United Nations Conference on Environment and Development, the 'Earth Summit', are to be found in an instruction from the Secretary General to create a World Commission on

'how the human species could make economic progress within nature's strict laws'.

It would be hard to find words that more precisely sum up the essence of the problem that diplomats have to face. The 1992 Earth Summit produced a non-binding Earth Charter and Agenda 21 with excellent intentions, but supreme diplomatic skills will be necessary if the imperative of economic progress is to be reconciled with the inflexibility of nature's strict laws. In the meantime it may be noted that, according to the UNFPA, within twenty years more than half of the world's ever-increasing population will be urban dwellers, thus increasing pressure on water resources, waste disposal and other potential hazards to the environment.

GLOSSARY OF DIPLOMATIC, CONSULAR, LEGAL AND ECONOMIC TERMS

above the line payments and receipts, payments and receipts contained in that part of the government's budget dealing with expenditure to be met out of revenue raised mainly from taxation

abrogate, to annul, revoke (e.g. a treaty)

ad hominem, on an individual basis

ad interim, temporary; during the intervening period of time

ad referendum, subject to confirmation

ad valorem tax, a duty imposed on goods in proportion to their value, i.e. a duty expressed as a percentage, and not a specific amount

amortisation, the gradual repayment of a debt by means of a sinking fund

annexation, the acquisition by a state of additional territory

appellation d'origine, the name given to a commodity indicating its place of origin

arbitration, the judgment of a dispute by an agreed third party, the matter to be resolved on the basis of international law, and the decision to be binding on the parties concerned

autarky, self-sufficiency (e.g. national economic self-sufficiency)

autocracy, government or control by a single person

balance of payments, the relation between the payments of all kinds made from one country to the rest of the world and its receipts from all other countries

balance of trade, the relationship between a country's merchandise imports ('visible imports') and its merchandise exports ('visible exports'). It excludes current payments and receipts for services and capital account items

bank rate, the minimum rate at which a central bank will discount first-class bills

basket, a jargon term, first popularised at the meetings of the Conference on Security and Cooperation in Europe, to refer to a grouping of items or subjects. In financial circles it refers to a collection of different currencies

becquerel, unit of measurement of radioactivity

belligerency, a term of legal significance to describe a particular state of aggression

below the line payments and receipts, payments and receipts contained in that part of the government's budget dealing with capital items

bill of exchange, an order for the making of payment, mainly used in international trade. A term bill may not be payable until, say, ninety days after acceptance; a sight bill is payable upon acceptance

bill of lading, a document of title to goods received for shipment

bonded warehouse, warehouse in which dutiable articles may be stored without payment of duty until they are withdrawn

Bourse, the Paris Stock Exchange and money market; term widely used for similar institutions in other countries

boycott, the refusal to do business with a state (or person)

broker, an intermediary between two or more persons engaged in a business transaction

budget, an estimate of national revenue and expenditure for the ensuing fiscal year

buffer state, one situated between more powerful neighbours which relies for its security largely on the fact that no one neighbouring state is prepared to let it be occupied by a third state

bullion, gold and silver in bulk

buyers' market, a market in which producers, suppliers and dealers experience difficulty in selling the goods which are available

capital expenditure, expenditure of a non-recurrent nature resulting in the acquisition of assets

capital intensive, forms of production in which there is a considerable use of capital equipment per person employed relative to the labour employed

capital market, a market comprising institutions which deal in the purchase and sale of securities

cartel, a central selling organisation which assigns to each of its members a specific share in the total output of a commodity

casus belli, an action justifying a declaration of war

caveat, a request for action to be deferred, a proviso

Central Bank, a bank which in any country is (a) banker to the government, (b) banker to the commercial banks and (c) implements the currency and credit policy of the country

certificate of origin, a declaration by an exporter or by a chamber of commerce stating the country of origin of goods shipped

chargé d'affaires ad interim, the member of the diplomatic staff of a mission (save in exceptional cases) who acts as head of mission during the latter's absence or indisposition, or in the interval between appointments

chargé d'affaires en titre, the head of a diplomatic mission accredited to a Minister for Foreign Affairs

cheap money, a description applied to money when the bank rate is low
c.i.f., cost, insurance and freight, i.e. a quoted price for goods shipped
c.i.f. includes all charges up to the point where the goods are deposited on board ship (f.o.b.) and also the cost of their insurance and freight

cold war, a term used to denote the *degree* of hostility between states when their foreign policy interests clash one with another: the final stage in the spectrum of aggression conducted by non-military means

commission (consular), a commission of appointment

concordat, an agreement concluded between a state and the Holy See

confrontation, a situation (usually between two states) which threatens to develop into a physical conflict in which neither party shows a willingness to give way

consular invoice, an invoice certified by the consul of an overseas country relating to goods shipped to that country

consumer goods, products in the actual form in which they will reach domestic consumers

Contadora Group, consisting of Colombia, Mexico, Panama and Venezuela, and joined in 1985 by a Support Group consisting of Argentina, Brazil, Paraguay and Peru. Their objective is to seek peace, respect for frontiers, democracy, human rights and arms reduction in Central America through negotiation

contract, an agreement, either oral or in writing, whereby two or more parties mutually undertake specific commitments

convertibility, the freedom to exchange any currency for another currency at the ruling rate of exchange

conveyance, legal description for the transfer of property from a seller to a buyer

countervailing duty, a tax levied on imports to counteract an unfair advantage, especially government subsidies and dumping, and to protect a domestic industry

coup d'état, unlawful seizure of control of a government by persons (often military) occupying positions of authority

currency dumping, derogatory term for competitive devaluation

current expenditure, expenditure recurrent in nature and not resulting in the acquisition of assets

customs cooperation council nomenclature, the internationally accepted standardised system of describing goods for customs purposes (successor to the Brussels Tariff Nomenclature)

customs duties, duties levied on goods entering one state or region from another

customs union, a grouping of states or regions which form a single customs territory: tariffs and other trade restrictions between the member states or countries are abolished, and the union maintains a common external tariff against other countries

debt-service ratio, the relationship between a country's foreign debt repayments (interest and capital) and its export earnings, expressed in percentage terms

de facto (recognition) as a matter of fact

deficit financing, the financing of a budget deficit by a government by means of borrowing in the market or from the central bank

deflation, a situation in which prices and money incomes are falling, accompanied by an increase in the value of the monetary unit

de jure (recognition) in accordance with international law

delegate, a person to whom responsibility to act (usually to a specified extent) has been delegated (e.g. by a government)

démarche, an initiative or approach by a government, often based on a fresh policy following an unsatisfactory situation

demurrage, delay caused to shipping, goods, etc., and the payment of fees or compensation as a result

de rigueur, obligatory

derogation, the temporary suspension of the enforcement of a provision

détente, relaxation of tension

devaluation, the determination of a new and lower (i.e. fewer units of foreign currency per unit of home currency) fixed exchange rate for a currency

diplomatic asylum, political asylum granted in the premises of a diplomatic mission or other such premises entitled to inviolability

diplomatic conference, as for plenipotentiary conference (q.v.)

disinflation, the removal of inflationary pressure from the economy in order to maintain the value of the monetary unit

dobson, unit of measurement of ozone level

domino theory, the theory that in a certain set of circumstances the fall of a government or state will bring about the downfall of a neighbouring government or state which, in falling, will set in train a succession of similar downfalls (a similar concept is 'to fall like a house of cards')

double taxation agreement, an agreement to prevent the same income being taxed twice

drawback, the repayment of the import duty an exporter has had to pay on foreign materials or components contained in the goods he exports

dumping, the sale of goods in foreign markets at less than their net cost in the domestic market. The term 'non-commercial competition' is similarly applied to services, e.g. shipping

economic growth, the growth per head of the population in the production of goods and services of all kinds available to meet demand

en clair, in clear (as opposed to being in code or in cipher)

en marge, incidentally: used in the sense of discussions held during the course of a meeting but not necessarily related to the topic of the meeting

- en poste*, having assumed duties at the authorised (diplomatic or consular) post
- en principe* (English), as a matter of principle
- en principe* (French), generally speaking, as a rule
- entrepôt*, a place where merchandise is collected and stored for subsequent distribution.
- entrepreneur*, a person who undertakes trading transactions on his own account
- escalate*, to accelerate and increase in intensity or magnitude
- euro*, the unit of currency of the European Union, based on the weighted value of the relevant currencies
- euro-dollar(s)*, private dollar balances held in European commercial banks
- exchange rate parity*, the fixed rate of exchange between one currency and another
- excise duties*, duties or taxes imposed on goods produced and distributed within a country
- ex officio*, by virtue of a specific post or office. Appointments to committees may be *ex officio*, i.e. the holder of a particular post is appointed for so long as he holds the post: the appointment does not relate to him personally
- explanations of vote*, verbal statement explaining why a vote has been cast in a particular way
- export duties*, duties or taxes imposed on goods exported from a country
- exposé*, revelation in public of a matter hitherto secret
- extra-territorial*, outside the jurisdiction of a territory
- fait accompli*, an act that has been committed and is therefore no longer open to discussion
- f.a.s.*, free alongside (see *f.o.b.*): a quoted price for goods shipped which includes all payments and charges up to the point of the goods being deposited on the quay alongside the ship
- fast track*, a procedure adopted by the American Congress whereby they agree to accept or reject (but not amend) an agreement within ninety working days
- faux pas*, a blunder (literally a false step)
- feasibility study*, the study of a proposed project in its technical and economic aspects to ascertain the possibility of commercial exploitation
- fiduciary issue*, that portion of the bank note issue which is not backed by gold
- fiscal policy*, the policy adopted by a government for raising revenue to meet expenditure and for influencing the level of business activity
- flag of convenience*, the flag of a state whose laws relating to shipping are less onerous on shipowners than other states: vessels registered in such a state fly its flag, and their crews are subject to its laws

floating debt, that part of the national debt which involves short-term borrowing

floating exchange rate, the exchange rate of any currency free to float to any level which supply and demand may determine

f.o.b., free on board (see f.a.s. for elucidation)

force majeure, unavoidable and usually unforeseen circumstances

free port, an enclosed and policed area in an airport, seaport or other locality into which goods may be imported and processed or manufactured without payment of customs duty of the country in which it is situated provided that they are re-exported subsequently to a third country

free trade, trade which is unimpeded by tariffs, import and export quotas and other devices which obstruct the free movement of goods and services between countries

Free Trade Area, a grouping of states or regions within which customs duties and other barriers to trade are removed, but which has no common external tariff

funding, the conversion of short-term debts into long-term debts

futures market, a market in which goods are sold for delivery at some future date

generalised system of preferences, arrangement whereby the exports of developing countries are admitted to the industrialised countries duty-free up to a certain level, or at reduced rates, on a non-reciprocal basis

giro system, a mechanism for the transfer of payments

gold standard, a monetary system in which each unit of currency is worth a fixed amount of gold. The rules of a gold standard are:

- (a) all paper currency must be convertible at its face value into gold;
- (b) there must be no restrictions on the import or export of gold;
- (c) a gold reserve must be maintained, fully sufficient to meet all demands made upon it.

gross domestic product, the value of goods and services produced within the state

gross national product, gross domestic product plus net income from interest, profit and dividends derived from assets abroad

Group of Three (G3) is a forum for political discussion on the promotion of economic integration with a view to the creation of a Free Trade Area. Members are Colombia, Mexico and Venezuela, and the Secretariat is in Bogotá.

Group of Eight (G8), major industrialised countries: Canada, France, Germany, Italy, Japan, Russia United Kingdom, and the United States of America

Group of Ten (G10), the countries with a controlling majority in the IMF (currently eleven in number)

Group of Fifteen (G15), association of developing countries with mutual economic interests *vis-à-vis* the G8

Group of twenty (G20), committee of the ten controlling members of the IMF and ten members of developing countries

Group of 77, group of developing countries (originally formed at UNCTAD I)

Holy See, the legal and symbolic personification of the Roman Catholic Church of which the Pope is Supreme Pontiff. He is also Sovereign Pontiff of the State of Vatican City

hot money, money which is transferred between countries in order to benefit from advantageous rates of interest or in anticipation of a change in the parity of a currency

hot pursuit, a legal doctrine originally of nautical application permitting the apprehension of vessels which are believed to have committed an offence within a state's territorial waters, and then have escaped to the high seas. The term is also used to attempt to justify similar actions in respect of persons escaping from one state to another by land

impasse, a situation of immobility or stalemate, in which no party involved can make a move

incognito, without revealing one's identity

inflation, a condition in which the volume of purchasing power is constantly running ahead of the output of goods and services, with the result that as incomes and prices rise the value of money falls

infrastructure, services regarded as essential for the creation of a modern economy, e.g. power, transport, housing, education and health services

innocent passage, the right of any sea-going vessel of any state to pass through the territorial waters of another state provided that this is done innocently, and to stop and anchor but only in accordance with navigational requirements, *force majeure* or distress. Certain states demand prior notification or approval for warships. Submarines must travel on the surface and show their flag

inter alia, among other things

invisible earnings, in national accounting, receipts for services rendered (e.g. shipping, banking, insurance, tourism)

junta, a committee or a group of people working together; usually used to refer to a revolutionary government consisting of members of a group (e.g. the army)

jus sanguinis (nationality), based on blood relationship

jus soli (nationality), based on the place of birth

labour-intensive, form of production in which there is a considerable use of labour in relation to the amount of capital equipment per unit of output

laissez-faire, a policy of non-interference by the state in economic affairs

laissez-passer, a permit to travel or to enter a particular area

lapsus linguae (Latin), a slip of the tongue – a spoken error

legal tender, money which a person is obliged by law to accept in payment of a debt

liquid assets, assets either in the form of money, or which can be quickly converted into money

Lombard rate, the rate at which a Central Bank makes loans to commercial banks against eligible securities (e.g. government bonds)

memorandum of association, a document specifying the aims and objects of a commercial company

merchant banks, banks whose business consists mainly of the accepting of commercial bills and the financing of trade

mixed economy, an economy in which resources are allocated partly through the decisions of private individuals and privately-owned business enterprises, and partly through the decisions of the government and state-owned enterprises: the two sectors are respectively known as the private and public sectors

modus vivendi, an arrangement which enables all concerned to carry on their activities in spite of disagreements, or while a disagreement is being resolved

most-favoured-nation clause, a clause which may be included in a commercial treaty between two countries that they will mutually grant to each other any favourable treatment which either may accord to a third country in respect of customs duties

motions for division, provision for separate voting on separate sections of a resolution

multi-fibre arrangement, an agreement between 41 developed and developing countries to protect the textile industries of the former by limiting imports from the latter

national debt, the debts of a government, both internal and external

national income, a measure of the money value of the goods and services becoming available to a country from economic activity during a prescribed period, usually a year

nautical mile, a distance of 2,025 yards or 1,852 metres, equal to one minute of the earth's measurement

non-aligned movement, group of 177 states originally uncommitted in the Cold War; now concerned with a new world order and economic development

notarial acts, the acts of an official (e.g. a consular officer) who attests and certifies documents

oligarchy, rule by a very small section of a state or community

oligopoly, a market structure in which only a few firms compete

ordre du jour, agenda

package deal, an agreement incorporating a variety of diverse elements

pacta sunt servanda, the legal doctrine that a treaty constitutes a contract between the parties, and that its conditions are binding and must be observed

pari passu, in step; by equal stages

Paris club, association of major creditor states concerned with renegotiating and, where appropriate, rescheduling official foreign debts

plenipotentiary conference, a conference meeting for the purpose of drawing up or revising an international instrument at which delegates have full powers

post mortem, an analysis or enquiry into an event, primarily to see what lessons for the future can be learnt from it (Latin: 'after the death')

Pressler amendment, policy of limiting US aid to non-nuclear states

prima facie, on the basis of the evidence immediately available

private sector, the private sector of the economy is the combination of elements in the economy which are not organs or agencies of central or local government and therefore includes the company sector and the personal sector

procedural motion, relates to the conduct of a meeting and must immediately be put to the vote by the presiding officer

procès-verbale, the minutes of a meeting

producer goods, goods made for the purpose of producing consumer goods, e.g. machinery of all kinds

productivity, the efficiency with which productive resources, i.e. labour, capital and land, are used, usually expressed as output per unit of input

pronunciamento, a proclamation or manifesto, usually associated with the revolutionary takeover of a government

protocol, (i) formal diplomatic behaviour; (ii) an international agreement, usually supplementary to a major treaty

protocol of signature, an addendum to a treaty usually recording clarifications or reservations

proviso, an exception

public sector, the public sector of the economy usually denotes the combination of the central government, the local authorities, the nationalised industries and other public corporations.

purchasing power parity, the exchange rate between two currencies that would result in equal purchasing power in the currency areas concerned

quid pro quo, something given in return for something else; a consideration

quiproquo (French), a misunderstanding; at cross-purposes

rapporteur, the person who makes a summary of e.g. the proceedings of a conference

rapprochement, a renewal of improved relations between states

real terms, sums of money expressed in 'real terms' take account of the changing value of money; the change is usually related to a particular 'base year'

- rebus sic stantibus*, the legal doctrine which asserts that if the conditions under which a treaty was concluded have fundamentally altered, then the treaty may be said to be no longer binding
- shipping conference*, an association of shipowners, the main purpose of which is to fix rates to be charged and to allocate ports of call
- sine qua non*, an essential, something without which something else would not be possible
- sinking fund*, a fund built up by periodic instalments in order to accumulate a certain sum at a given date for some specific purpose
- social dumping*, in a free trade or low-tariff area, the transfer of industry or other sources of employment from a member country where the levels of social costs and labour legislation are high to a member country where they are low
- special drawing rights*, a system of international reserve assets created by the International Monetary Fund
- specific tariff*, a tariff reckoned in terms of a specific amount of money for each unit of the commodity concerned (e.g. 30 cents per kg)
- spot market*, a market in which goods are sold for immediate delivery
- status quo*, the existing situation
- suaviter in modo, fortiter in re*, firm in purpose, courteous in manner
- super-301*, US legislation relating to unfair trade
- tariff*, a duty or tax charged by a country on its imports from other countries; a customs duty
- territorial asylum*, political asylum granted by a state to an alien in its territory
- trade creation*, in a Common Market or Free Trade Area the replacement of high-cost imported goods by low-cost articles produced within the area (e.g. benefiting from the economies of scale)
- trade deflection*, in a Free Trade Area the importation of goods into a member country with a low external tariff for consumption in another with a high external tariff in an attempt to pay the minimum duty
- trade diversion*, in a Common Market or Free Trade Area the substitution of cheap imported goods by more costly articles produced within the area
- trade gap*, the difference between the value of imports c.i.f., and exports (and re-exports) f.o.b.
- trademark*, the brand name or other device used to relate a commodity to the particular firm owning, producing or distributing it
- tranche*, literally a slice or segment: term used by the IMF referring to a credit granted to a member state. This is allocated in four tranches, each being dependent upon the acceptance by the member country of increasing degrees of financial stringency
- ultimatum*, final demand
- ultra vires*, not within the law

- unit of account*, in the European Union, the monetary unit used for fixing the price of agricultural produce, etc.
- veto*, a negative vote
- volte face*, an abrupt and complete reversal of previous policy
- visible exports*, exports which consist of tangible goods such as plant and machinery, consumer goods, etc.

NUCLEAR NON-PROLIFERATION

A concomitant of the Cold War was the development and proliferation of nuclear armaments, both on the part of the major antagonists and of various non-aligned states. The end of the Cold War has presented the world community of states with the opportunity to reduce and eventually eliminate nuclear armaments: failing which they will inevitably continue the process of proliferation as every regional 'superpower' seeks either to extend its hegemony or to match the nuclear capability of a potential rival or aggressor.

The Treaty on the Non-Proliferation of Nuclear Weapons (NPT) came into force in March 1970, and its basic aims are to prevent the further spread of nuclear weapons; to foster peaceful nuclear cooperation under safeguards, and to encourage negotiations to end competitive development of nuclear weapons with a view to their eventual elimination.

Under the terms of the treaty, nuclear-weapon states agree not to assist non-nuclear-weapon states to acquire nuclear explosive devices; and the latter agree not to manufacture or otherwise acquire such devices. Provision is made for the International Atomic Energy Agency to apply safeguards, including inspection in respect of nuclear material used in the peaceful programmes of non-nuclear weapon states which are parties to the treaty. The dangers of nuclear proliferation, not least of nuclear technology and know-how, have increased considerably since the break-up of the Soviet Union, and the member states of the European Union have made recognition of those members of the Commonwealth of Independent States on whose territory nuclear weapons were stationed, conditional on their adherence to the treaty as non-nuclear-weapon states.

There are 178 parties to the treaty, including the existing nuclear powers (with the exception of North Korea) who have also agreed to the Missile Technology Control Regime.

Review Conferences have been held every five years in accordance with the treaty, and in 1995 when the treaty came to the end of its

twenty-five-year duration, the contracting parties agreed by consensus to an indefinite extension of the treaty. They also accepted three non-binding Declarations of Principle:

1. A restatement of previous commitments, particularly in respect of nuclear disarmament and an undertaking to end all nuclear tests.
2. A strengthening of the verification procedures in relation to disarmament.
3. The establishment of a nuclear-free zone in the Middle East and the adherence of all states, without exception, to the Non-Proliferation Treaty.

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R.G. Feltham has been concerned with organising and teaching Diplomatic Studies for over 30 years, and was founder and Director of the Oxford University Foreign Service Programme. He has been both a diplomat and a consular officer, and currently acts as a Consultant to various governments on Diplomatic Studies.



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