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# ABC of



# Diplomacy

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## Introduction

Diplomacy is the means by which States throughout the world conduct their affairs in ways to ensure peaceful relations. The main task of individual diplomatic services is to safeguard the interests of their respective countries abroad. This concerns as much the promotion of political, economic, cultural or scientific relations as it does international commitment to defend human rights or the peaceful settlement of disputes.

Diplomacy takes place in both bilateral and multilateral contexts. Bilateral diplomacy is the term used for communication between two States, while multilateral diplomacy involves contacts between several States often

within the institutionalised setting of an international organisation. Negotiation is the one of most important means of conducting diplomacy, and in many cases results in the conclusion of treaties between States and the codification of international law. The aim of such international treaties is primarily to strike a balance between State interests.

Diplomacy has existed since the time when States, empires or other centres of power dealt with each other on an official basis. Numerous diplomatic archives have been found in Egypt dating back to the 3<sup>th</sup> century BC. Permanent diplomatic missions, that is, representations set up by one country in the territory of another, date back to the Renaissance in the 15<sup>th</sup> century. Switzerland set up its first permanent legations in its neighbouring countries around 1500. At the time, international relations were mostly conducted through honorary consuls, who carried out these functions in parallel with their professional activities and in a voluntary capacity. The modern Swiss Confederation, which was founded in 1291, first began to build up a network of professional diplomatic missions and consular posts towards the end of the 16<sup>th</sup> century. Currently (2008), Switzerland has a total of more than



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50 missions and posts abroad run by 370 professional diplomats and 540 professional consular agents – figures that are comparable to States of a similar size.

Multilateral diplomacy in the context of international organisations started to gain importance after the First World War and especially following the Second World War. In the second half of the last century the number of sovereign States in the world grew very fast, in particular in the wake of decolonisation, and with this the complexity of relations between them. In addition, the number and diversity of tasks taken on by the international community have increased at an exponential rate. Switzerland became a member of the League of Nations in 90. However, it only joined the United Nations (UN), created to replace the League of Nations, in 00, although it had already been a member of the specialised agencies, functional commissions and other bodies of the UN System for a long time. In 963, Switzerland became a member of the Council of Europe. Geneva, which was home to the League of Nations and the International Committee of the Red Cross, also became the seat of the European headquarters of the United Nations at the close of the Second World War, and has since established itself as a centre of international cooperation.

Diplomatic relations are themselves the object of a series of international conventions. At the Vienna Congress in 85, the first attempt was made to codify diplomatic law at the international level. The rules which today apply throughout the world for the conduct of diplomatic affairs between States are set out in the Vienna Convention on Diplomatic Relations of 96. In 963, the international community also agreed at a conference in Vienna to a set of common rules on the conduct of consular relations. This body of law governs in particular the protection of individual States' citizens abroad. In addition to legal standards, many unwritten rules, customs and conventions exist that date back to the very early days of diplomacy. Their purpose is not to perpetuate traditions and formalities

for their own sake but rather to ensure the smoothest possible communication between States.

The “ABC of Diplomacy” explains some of the most important and frequently used terms and concepts of diplomacy without claiming to provide a comprehensive glossary of terms on the subject. In recognition of the importance of multilateral diplomacy nowadays, a number of universal and regional organisations also receive brief mention.



It was in these sports shoes that Federal Councillor Micheline Calmy-Rey made the first official crossing of the demarcation line between North and South Korea by a foreign government representative, on 20 May 2003.

©Swiss National Museum.

Photo: Donat Stuppan

Object from the exhibition “On a Delicate Mission”  
Swiss National Museum (2007)

## Glossary

### A

#### Accreditation

Procedure by which a State, before sending an ambassador (> *Embassy*), asks the State in which this ambassador is to take up residence (the receiving State) if the appointed person is acceptable as a *persona grata* (> *persona non grata*) and, if so, for the agrément of the receiving State. Agrément is the term used for the consent of the receiving State.

#### Administrative and technical staff (AT)

In contrast to the diplomatic staff, the members of a diplomatic mission working in the administrative or technical services do not enjoy immunity in civil law courts and administrative tribunals insofar as their private affairs are concerned. In Switzerland, the status of AT differs in regard to customs and value added tax privileges.

### B

#### Bilateralism

Term used to describe discussions or negotiations on foreign policy matters that take place between two parties. Although the term usually refers to relations between two States, bilateral relations may equally involve one State and an > *International organisation*. Switzerland for example has concluded a whole series of bilateral agreements with the > European Union. A different approach to relations is that of > *Multilateralism*.

#### Chargé d'affaires ad interim

The person who acts as head of mission (ambassador) when the post is vacant, or when the ambassador is temporarily absent from the country of residence or unable to perform his or her duties (> *Embassy*).



## Consensus

Agreement on a given question. The consensus principle applies to decisions taken in the framework of international conferences and organisations. Consensus is often mistaken for unanimity. The two differ in that consensus is the acceptance of a decision without a vote. If no State expressly declares opposition then a consensus is said to have been reached. This permits one or more States to make reservations without officially blocking consensus. In a formal vote, a State with reservations would be forced to vote against the proposal in question, thus preventing the adoption of the decision.

## Consular protection

Consular protection enables a State to defend the rights of its citizens abroad. It differs from > *Diplomatic protection* in that the State does not assert its own right and demands redress for a violation of international law. The conditions applying to the exercise of consular protection are less strict than in the case of diplomatic protection.

A State protects the rights of its own nationals in the first instance in accordance with the laws that apply in the country in question. For example, a State can intervene on behalf of its nationals detained in another State by demanding an improvement of the conditions of detention.

## Consulate

Consular posts are established by one State (sending State) in another State with which it wishes to maintain consular relations (receiving State). There are four categories of consular posts: consulate-general, consulate, vice-consulate and consular agency. The title of the head of post reflects in principle the category of the consular post in question, for example, a consulate-general is headed by a consul-general. In addition to career consuls, who are members of the foreign service, a sending State may also appoint honorary consuls. These are usually individuals with many years of professional experience in the receiving State, who



are familiar with local conditions and have sufficient knowledge of the language(s) needed to carry out their functions. Honorary consuls can be citizens of either the sending State or the receiving State. They are not salaried but may charge fees for official services.

Consular duties are similar to those of an > *Embassy*: representing the sending State in the receiving State, public relations and the promotion of economic, cultural and political relations. The main duty of a consular agent on the other hand is to assist citizens travelling abroad.

## Convention

Standard term for multilateral agreements concluded as a rule in the framework of an > *International organisation*, and which regulate issues concerning international relations and international law. Examples: the > *Hague Conventions* and the > *Geneva Conventions*.

## Council of Europe

The Council of Europe is an > *International organisation* whose main purpose is to protect > *Human rights*, the rule of law and democracy; to foster Europe's cultural identity; to seek solutions to social problems such as xenophobia, drug abuse, AIDS, or bioethics; and to assist in the institutional reform of the States of Central and Eastern Europe.

The Council of Europe has 47 member States (008).

It produces treaties and agreements (> *Convention*), which provide the basis for amendment of laws in member States. One of the greatest achievements of the Council of Europe is the European Convention on Human Rights (ECHR), which makes it possible for ordinary individuals to submit applications to the European Court of Human Rights in Strasbourg. Switzerland is a member of the Council of Europe, and has ratified the ECHR.

The Council of Europe is not to be confused with the > *European Union* (EU). The two are entirely separate and distinct bodies. All 7 EU member States are however also members of the Council of Europe.



The so-called Alpenrosenfrack tailcoat was worn by Swiss diplomats until well into the 20th century as a gala uniform. This dark navy-blue woolen tailcoat is embroidered with Alpine roses and Edelweiss, the Swiss answer to the demands of international ceremonial etiquette.

©Swiss National Museum

Photo: Donat Stuppan

Object from the exhibition "On a Delicate Mission"  
Swiss National Museum (2007)

## Credentials

Document from the head of the sending State to the head of the receiving State attesting that the person designated as extraordinary and plenipotentiary ambassador is entitled by his government to perform the functions of head of mission (> *Embassy*).

There are no fixed rules regarding form but, as a rule, credentials should give the name, titles, the specific characteristics and the general aim of the mission. In the letter of credentials, the sending State asks that 'credence be given to what the agent says on behalf his government and to grant him a warm reception'. Credentials are handed personally by the ambassador of the sending State to the head of the receiving State on the occasion of a ceremony specifically for that purpose.

## Customary international law

Along with > *International treaties*, custom is one of the two main sources of the rights and obligations of States. Customary international law is referred to when States adopt certain attitudes, believing that they are acting in conformity with an obligation. For customary law to develop, two elements are required: the systematic recurrence of the same pattern of behaviour of States and the conviction of these States that they are acting in conformity with a rule of > *International law*.

## Depositary

D

The depositary of an > *International treaty* is a State or an > *International organisation* whose duties are primarily those of a notary and include the safekeeping of documents, certification of documents, the acceptance, safekeeping and transmission of messages, reservations and declarations.

### Diplomatic corps (CD)

Together, the heads of mission (> *Embassy*) accredited to the same government form the diplomatic corps. It is presided over by the Dean (Doyen), who is normally the highest ranking head of mission, i.e. the head of mission who has been accredited to that country for the longest period.

Some States grant a special status to the > *Nuncio* on the basis of his > *Precedence*, and he is often recognised as the Dean of the diplomatic corps.

On official occasions the Dean is the spokesman for the diplomatic corps, and it is he who – on behalf of and after due consultation with the diplomatic corps – would be entrusted with handing a protest note to the country of residence.

### Diplomatic courier

The person who carries official correspondence between a diplomatic mission (> *Embassy*) and a ministry of foreign affairs as well as between other missions and consulates of the sending State. Diplomatic couriers enjoy > *Inviolability* and therefore cannot be arrested (> *Privileges and immunities*). Diplomatic bags must not be opened or withheld. They may be entrusted to the captain of a commercial airliner, who does not however acquire the status of diplomatic courier.

### Diplomatic demarche

Approach by one or more embassies (> *Embassy*) to the government of the country of residence. Such communications, which may be oral or in writing, can deal with a variety of subjects, for example a communication or request for information, a proposal to open negotiations, a request for a particular privilege, a protest, etc.

## Diplomatic note

Form of correspondence between one or more diplomatic missions in a country and the foreign ministry of that country (receiving State). Always written in the third person, such notes begin with the standard greeting: “The ... Embassy presents its compliments to the Ministry of Foreign Affairs and has the honour to...” and end with the complimentary conclusion: “The Embassy avails itself of this occasion to renew to the Ministry the assurances of its highest consideration”.

## Diplomatic protection

Diplomatic protection allows a State to intervene on behalf of its nationals (individuals or legal entities) who have suffered prejudice of some kind at the hands of another State in violation of international law. The State alone decides on the appropriateness of such an intervention.

Diplomatic protection is based on the following five principles:

- In exercising diplomatic protection, a State asserts its own right;
- A State can offer diplomatic protection only to its own nationals;
- The exercise of diplomatic protection is possible only if another State has violated international law;
- The nationals in question must have exhausted all local remedies available to them;
- The injured party must not have caused or aggravated the prejudice in question.

## Diplomatic staff (CD)

Term referring to members of the staff of a diplomatic mission (> *Embassy*), including the head of mission who, in their capacity as diplomats, enjoy diplomatic status. This means that they enjoy certain > *Privileges and immunities*, in particular regarding legal action, taxes and customs duties.



# E

## Embassy

Term referring both to the staff appointed by a State to carry out diplomatic functions in another State and to the premises in which this staff works.

Diplomatic relations must exist between the two States before an embassy can be opened. Diplomatic relations are established by mutual consent and may be broken off by either State at any time. An embassy may be headed by an ambassador or by a > *Chargé d'affaires ad interim*. The embassy of the Holy See is known as the Apostolic Nunciature, and a State's diplomatic representation to an > *International organisation* as a permanent mission.

Diplomatic activities cover all aspects of relations between governments including political, legal, economic and financial affairs, development cooperation, social issues as well as scientific and cultural activities.



Carl Lutz, Vice-Consul in Budapest, who together with his wife saved the lives of some 62,000 during World War II by issuing fake Letters of conduct.

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Photo from the exhibition "On a Delicate Mission"  
Swiss National Museum (2007)



## European Union (EU)

The European Union is an association of European democracies that is more than an > *International organisation*. It is unique in its form and organisation. In its more than 50-year history the cooperation of the member States through Community bodies and specialised delegations has become increasingly intense. The EU has undergone a continuous process of enlargement, and today numbers 7 member States (008). The EU contributes to international peace and stability, and thanks to its extensive internal market, it is today the world's biggest economic power, ahead of the United States and Japan.

The Council of the European Union – also known as the Council of Ministers or simply the Council - is the EU's central decision-making and legislative body. It adopts all important legal acts and concludes international agreements. In most cases laws are made in collaboration with the European Parliament. The European Commission, whose members are not allowed under any circumstances to take instructions from their national governments, prepares draft legislation, negotiates international treaties and is the executive body for EU policies, e.g. on agriculture, research and technology, development aid, regional policy. The European Court of Justice (ECJ) ensures that EU bodies and member States uphold Community law.

## Extraterritoriality

In principle, a law is effective only within the territory of the State which enacted it. For a law to be applicable to a situation, property or person located in the territory of another State (extraterritorial jurisdiction), international law requires the existence of a sufficient link between this property, person or situation and the State which enacted the law.

## Facilitation and mediation

Facilitation and mediation are the terms used to describe the efforts of third parties to reconcile parties in a conflict. Such third parties might be the > *United Nations*, a regional organisation such as the > *Organisation*

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*for Security and Co-operation in Europe*, another State or a > *Non governmental organisation (NGO)*.

In the case of facilitation a third party supports, facilitates and promotes contacts between the parties in a conflict without itself becoming involved in negotiations. The facilitator is freely chosen by the conflicting parties and makes it possible for them to meet on neutral ground for an exchange of views on possible solutions, as well as to carry out negotiations which might eventually lead to an agreement.

In the case of mediation, the third party receives a mandate from the conflicting parties and not only facilitates their meeting but plays an active part in the search for a solution.

## Geneva Conventions

At the end of the Second World War the rules for the protection of noncombatants and individuals who are not, or no longer, participating in armed conflicts were strengthened. These rules apply mainly to civilians, the wounded, the sick, the shipwrecked, and to prisoners of war. The four Geneva Conventions of 1949 and the two Additional Protocols of 1977 (> *Protocol*) are the cornerstones of international humanitarian law. As both a State Party to and Depositary of the Geneva Conventions and its Additional Protocols, Switzerland exercises special duties.

# G

## Good offices

General term used to describe the efforts of a third party (State, > *International organisation*, etc.) to find a peaceful solution to a conflict between two or more States. The aim of good offices is to open a dialogue between the parties concerned.

Good offices range from support of a technical or organisational nature (e.g. provision of a conference venue for the conflicting parties), to mediation (> *Facilitation and mediation*), to participation in international > *Peace operations*. Accepting a mandate as > *Protecting power* also falls under “good offices”.

## Hague Conventions

At the two peace conferences in The Hague in 1899 and 1907, several > *Conventions* were adopted for the purpose of regulating the conduct of war. One notable achievement was a ban on the use of weapons which are of a nature to cause unnecessary suffering.

## Headquarters agreement

Agreement between an > *International organisation* and the host State, i.e. the State on whose territory the organisation has its headquarters. The agreement determines the legal status of this organisation by making provision for the > *Privileges and immunities* of the organisation itself, its staff, representatives of organisation's member States, as well as experts on assignment. Switzerland has signed such agreements with the international organisations present on its territory such as the > *United Nations* and the > *World Trade Organisation*.

## Human rights

Human rights are the freedoms to which all individuals are entitled as human beings.

Human rights are protected through a system of agreements > *Conventions*, > *Resolutions and declarations* at the international level as well as in > *Customary international law*.

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The international system for the protection of human rights is closely associated with > *International humanitarian law* and International Refugee Law. But although closely related, these three branches are quite distinct in their fields of application. Thus > *International humanitarian law* (i.e. the four > *Geneva Conventions* of 1949, together with the Additional Protocols of 1977) applies in principle only to situations of armed conflict. International Refugee Law (e.g. the Geneva Convention relating to the Status of Refugees of 1951 and the Additional Protocol of 1967) applies only to persons with recognised refugee status and, to a more limited extent, to asylum seekers. Nowadays, however, human rights apply to all people at all times.





The work of the International Committee of the Red Cross (ICRC) reflects the principles of humanity and impartiality. On the basis of these ideals, the ICRC, under the direction of the Swiss diplomat, Dr. Gustave Moynier, brought food and medical supplies by air to war-torn Biafra at the end of the 1960s.

©Swiss National Museum

Photo from the exhibition "On a Delicate Mission"  
Swiss National Museum (2007)

### Initials, signature and ratification

In the negotiation of an *international treaty*, the negotiators initial the bottom of every page of the agreement as authentication.

The signature of the plenipotentiaries (country representatives with full negotiating powers) is affixed at the end of a treaty. The signing ceremony marks the end of the treaty negotiations and obliges the signatory States to act in good faith in accordance with a treaty. Unless the treaty provides otherwise, the signature does not yet make the State a party to the treaty.

Ratification is the act which commits the State to respect the treaty at the international level. In Switzerland, the Federal Assembly (both chambers of Parliament) approves the ratification of treaties, with the exception of those which the Federal Council is allowed, by virtue of a law or a treaty, to sign and ratify alone.

## International civil servant

**I**nternational civil servants are individuals who are in the exclusive longterm employment of an > *International organisation* and who have international status. In principle, they enjoy the same > *Privileges and immunities* as diplomats. Their status is defined in the statutes of the international organisation which employs them and is also regulated by the > *Headquarters agreement* that this international organisation has concluded with the State that hosts its headquarters. International civil servants are not allowed to receive instructions from their countries of origin.

## International humanitarian law

International humanitarian law is also known as the Law of Armed Conflict, the International Law of War or “*ius in bello*”. It applies to all armed conflicts, whether lawful or not. International humanitarian law is an effort to balance humanitarian and military interests. If total war and complete annihilation of the opponent is to be prevented, the parties to a conflict must not be left free to wage war by all the means and methods at their disposal. International humanitarian law is not only addressed to States, it also contains numerous provisions that must be complied with by individuals (including civilians).

In addition to > *Customary international law*, the main sources of international humanitarian law are the universally ratified > *Geneva Conventions* of 1949, their two Additional Protocols of 1977, the Hague Regulations of 1907 > *Hague Conventions*, together with various other > *conventions* prohibiting or restricting the use of specific weapons. Most of the provisions of the Geneva Conventions, their Additional Protocols, or other provisions on the conduct of hostilities have become part of customary international law.

## International justice

To ensure universal respect for > *International law* and > *Human rights*, the international community has created various courts and tribunals at the universal and regional levels. Their decisions are binding on all States that recognise the courts and tribunals in question.

The International Court of Justice (ICJ) in The Hague is the cornerstone of the system of international justice, being the principal judicial organ of the > *United Nations*. Only States can be subject to the jurisdiction of the Court. The authority of the ICJ, based on the principle of the preeminence of law, enables it to make a significant contribution to the peaceful settlement of disputes **between States**.

Today, it is the European Court of Human Rights that is **most effective** in protecting human rights. This Court, an organ of the > *Council of Europe*, ensures compliance of State Parties with their obligations under the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR).

Since the 1990s the international community has also created a number of war crimes tribunals: the International Criminal Tribunal for the Former

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Yugoslavia (1993), the International Criminal Tribunal for Rwanda (1994), the Special Court for Sierra Leone and the Extraordinary Chambers in the Courts of Cambodia for the prosecution of crimes by the Khmer Rouge (2004).

The creation in 2000 of the International Criminal Court (ICC) in The Hague has given the international community a permanent judicial authority of general character to prosecute the most serious crimes, namely genocide, crimes against humanity and war crimes, as well as the crime of aggression as soon as it is defined.

The International Tribunal for the Law of the Sea, which was set up in 1996, may be invoked by the States Parties to the UN Convention on the Law of the Sea.

### **International law**

International law governs relations between States and their dealings with each other. It provides a basis for peace and stability throughout the world and for the protection and well-being of peoples everywhere. With the advance of globalisation, relations between nations have become more intensive and complex. International law covers many fields, including the > *Prohibition of the use of force*; > *Human rights* and the protection of individuals in times of war and armed conflict (> *International humanitarian law*); and international efforts to combat terrorism and serious crimes. It also covers such areas as the environment, international trade, development, telecommunications and international transport.

In compliance with the principle of sovereignty of States, a State is only obliged to comply with those rules of international law it has agreed to adhere to (> *International treaty* and > *Customary international law*). Peremptory norms of international law are an exception to this principle because they apply to all States without exception, for example the

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prohibition of genocide. In Switzerland, matters of international law are usually decided by the Federal Assembly and by the people through ref

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erendums, which may be obligatory or optional. In principle international law takes precedence over national law.

### **International Monetary Fund (IMF)**

Like the > *World Bank* the IMF is one of the so-called “Bretton Woods” institutions founded in 1944. Switzerland has been a member of both institutions since 1999.

The IMF was founded to promote international cooperation in the area of monetary policy and exchange rate stability. Member States facing balance of payments difficulties are provided with provisional financial resources in the form of loans. Such loans are intended to shorten the duration and lessen the extent of their difficulties, while promoting economic growth, reducing inflation, easing labour market problems and encouraging good governance in new member States.

### **International organisation**

An international organisation is a permanent association of at least two States concerned with the autonomous execution of specific tasks and, for this purpose, is equipped with at least one organ to act on its behalf. International organisations are usually established on the basis of a multilateral agreement, known as statute or charter, that defines their duties and objectives and the organs to be established by the organisation. The most notable example of an international organisation which is truly universal is the > *United Nations (UN)*.

## International Organisation of the Francophonie

The Organisation internationale de la Francophonie (OIF) or the International Organisation of the Francophonie comprises 55 States and governments as well as 3 observers from all continents (status 008) sharing the French language and culture as an integral part of their identity.

Switzerland is a member. Every two years OIF holds a summit of heads of State and heads of government to discuss its political direction and areas of cooperation. The focal points of its activities are the promotion of the French language and of cultural and linguistic diversity; peace, democracy and human rights; education, training, teaching and research; cooperation in favour of sustainable development and solidarity.

## International treaty

An international treaty is an agreement between States or between one or more States and an > *International organisation*, stipulating international rules in a given area. Together with > *Customary international law*, the international treaty is one of the two fundamental instruments forming the basis of the rights and obligations of States. Such agreements go under various names, all of which confer the same legal status. Such names include > *Convention*, agreement, > *Protocol*, declaration, charter (e.g. the > *UN Charter*), covenant, exchange of letters, etc.

## Inviolability

Term referring to two notions: one, the personal inviolability of a diplomat; two, the inviolability of the premises of a diplomatic mission (>*Embassy*). The inviolability of diplomats as individuals means that a diplomat cannot

be arrested or detained in any way in the State where he is exercising his official duties. The inviolability of the premises prevents any police operation within the mission without the prior consent of the head of mission (> *Privileges and Immunities*).



## Memorandum

A written text summarising the essential facts relating to an international problem, also known as an “Aide-Memoire”. Often accompanies a > *Diplomatic note* or a > *Diplomatic demarche* in which one State informs another of a specific issue or concern.

## Multilateralism

An approach to international issues involving discussions and negotiations between more than two States. Multilateral fora include such international organisations and bodies as the > *United Nations*, the > *World Trade Organisation*, the > *European Union* and the > *Council of Europe*.

An ever greater number of international treaties or conventions (> *Convention*) are negotiated in multilateral structures, reflecting the ongoing process of globalisation.



Wettstein goblet, Strasbourg 1649. Johann Rudolf Wettstein, Mayor of Basel and representative at the Peace Congress of Westphalia (1648), received the plated silver goblet in gratitude for his part in achieving the Swiss Confederation's independence from the Roman Empire of the German Nation.

©Historical Museum Basel

Photo: HMB P. Portner

Object from the exhibition “On a Delicate Mission” at the National Museum (2007)

## Neutrality

The legal status of a State which permanently or temporarily renounces participation in any armed conflict. The > *Hague Conventions* of 1907, supported by > *Customary international law*, define the rights and duties of a neutral State.

Essentially, a neutral State has the following fundamental rights: its territory is inviolable; private companies on its territory may trade freely with the warring States; the freedom of private companies to trade also applies to weapons, munitions and other war material.

Neutral States above all have a duty to refrain from participating in armed conflicts between other States. They are expressly prohibited from supporting the belligerents with weapons or troops (and thus cannot take part in a military alliance such as NATO). Furthermore they may not allow warring parties to use their territory for military purposes. Any restrictions they adopt on trade in weapons, munitions and other war material must apply equally to all belligerents. Finally, a neutral State must be able to defend its own territory, if necessary by military force.

The status of neutrality is not relevant in the case of economic sanctions. Neutral States may participate in the application of economic sanctions adopted by the > *United Nations*, the > *European Union* or any other group of nations.

Nor is neutrality relevant in the case of military sanctions adopted by the UN Security Council acting under Chapter VII of the UN Charter. UN military sanctions should not be equated with war as defined in the law on neutrality but rather with legal measures to enforce the decisions of the Security Council on behalf of the international community to restore peace and international security. Thus the Law of Neutrality does not prevent neutral States from participating in sanctions adopted by the Security Council in accordance with Chapter VII of the UN Charter.

## Non-governmental organisation

Non-governmental organisations (NGOs) are private-law institutions which carry out their activities independently of State authorities. NGOs can exercise considerable influence on public perceptions of issues and situations and on forming public opinion. They can obtain consultative

status within an > *International organisation*, enter into cooperation agreements, or carry out mandates, e.g. in the context of humanitarian or protection missions.

### **Non-retroactivity**

General legal principle according to which national legislation or an international treaty applies in situations arising only after it enters into force.

A law or treaty forbidding certain actions or behaviour can in fact apply only to the future. If the law or treaty were to apply also to situations prior to its entering into force, this would authorise the punishment of acts, which, at the time they were carried out, were not forbidden and therefore legal.

### **Nuncio**

From the Latin for envoy, referring to the diplomatic representative of the Holy See, a titular bishop accredited as permanent ambassador to a foreign government (> *Diplomatic corps*).

The > *Vienna Convention* of 8 April 96 on diplomatic relations accords to the Papal Nuncio the same status as an ambassador or head of mission (> *Embassy*) and the same > *Privileges und immunities*. Within the Roman Catholic church the Nuncio also represents the Pope in relations with local church communities.

### **Opt-out clause**

Provision in an > *International treaty* that allows a member State either to limit its obligations in special cases or allows temporary exemption. Opt-out (also protective) clauses are more common in economic treaties, and are intended as a kind of alarm.

Such clauses make it possible for member States to protect certain priority interests such as public order and security, public health or aspects of national heritage.



There also exist quantitative limitation clauses. For example, the Bilateral Agreements between Switzerland and the > *European Union* provide for such clauses in the event of an excessive influx of labour from EU member States or of heavy-duty vehicles (in the Agreement on overland transport).

### **Organisation for Economic Co-operation and Development (OECD)**

The OECD is not only devoted to cooperation in the areas of economic and social policy between its member States (notably from Western and Central Europe, North America, Mexico, Japan, South Korea, New Zealand and Australia), but also promotes information exchanges in the area of development aid. Switzerland is a member.

### **Organisation for Security and Co-operation in Europe (OSCE)**

The objective of the OSCE is the establishment of a common security area based on such shared values as > *Human rights*, democracy and the rule of law. The OSCE currently (2008) has 56 member States from Europe, North America and Asia. Switzerland is a member.

The OSCE focuses on > *Preventive diplomacy*, the prevention of conflicts, crisis management and the strengthening of democratic societies in post-conflict situations. Its comprehensive and cooperative approach to security matters includes political, military, economic and environmental aspects.

The OSCE also serves as a platform for negotiations and for the development of international standards. It has the operational instruments required for action in the field.

## Pacta sunt servanda

Latin expression meaning “Treaties are to be honoured”, i.e. States and > *International organisations* must carry out or comply with the provisions of the treaties to which they are party. This principle is one of the main pillars of the international legal system. It is to be found in the Vienna Conventions on the Law of Treaties of 1969 and 1986, which state that: “Any treaty in force binds the Parties and must be executed by them in good faith.”

## Peaceful settlement of disputes

Procedures to achieve the peaceful settlement of a dispute between two or more States can take the following forms:

- Negotiation, which is the first and most usual way of resolving disputes. A meeting between the States in question might for example lead to an agreement;
- Procedures involving > Good offices, where a third State mediates between the parties and ensures the material organisation of a meeting (> *Facilitation and mediation*).
- Conciliation and resolution procedures, where a third State or a conciliation commission proposes a solution to the parties concerned, which is not binding.
- Inquiries which, in principle, serve to establish the facts only.
- In the case of an arbitration procedure a panel of individuals designated by the parties has the power to make a final decision, which is binding.
- The States concerned may also submit the case to the International Court of Justice, whose decisions are binding (> *International justice*).

## Peacekeeping operations

International peacekeeping operations are an instrument of the international community for conflict resolution and crisis management. Both civil and military means may be employed to create stable and peaceful relations. Since the end of the Cold War such operations have further developed and today often involve a much wider variety of tasks,

including peacekeeping and peace enforcement, conflict prevention, peacebuilding and humanitarian operations. Peacekeeping operations are usually based on a UN mandate, and are guided by the three principles of impartiality, agreement of the parties in conflict to the deployment of a peacekeeping force, and minimum use of force.

### **Persona non grata**

Latin expression denoting a representative of a State who is no longer acceptable to the receiving State. The receiving State may at any moment and without explanation inform the sending State that the head of its diplomatic mission or any member of the diplomatic staff has been deemed 'persona non grata'. The sending country must then recall this person or terminate his or her activities. Failing this, the receiving State has the right to expel the individual in question.

### **Precedence**

When the representatives of States meet, protocol requires that a certain ranking order be followed. In other words, at a ceremony, procession or reception, precedence accords the right of each participant to occupy the particular position considered to reflect his or her ranking. For example, the Minister of Foreign Affairs has precedence over the ambassadors, and the Dean (Doyen) of the diplomatic corps has precedence over other heads of mission.

### **Preventive diplomacy**

Since the end of the Cold War the international community has tried to establish, notably through the > *United Nations* and the > *Organisation for Security and Co-operation in Europe*, a system to give early warning of international tensions that could lead to war. At times of crisis these organisations propose measures to defuse the situation to the States concerned. If necessary, procedures to resolve the conflict peacefully are prepared (> *Peaceful resolution of conflicts*).

## Privileges and immunities

Prerogatives, tax exemptions and other advantages accorded in the host country to members of the > *Diplomatic staff* and their families as well as to individuals enjoying an equivalent status (for example > *International civil servants*).

These privileges and immunities include the freedom of communication between the diplomatic mission (> *Embassy*) and the authorities of the sending State; the > *Inviolability* of diplomatic staff, i.e. they may not be arrested or detained; the inviolability of diplomatic premises, i.e. the local authorities may not have access without the authorisation of the head of the diplomatic mission; immunity of jurisdiction, i.e. legal action against a diplomatic agent or his/her family is not permitted; tax concessions.



Flag of the Swiss Legation in Berlin. Damaged by gun fire when the Russian army captured the city in 1945 it was taken down by the legation employees and brought back to Switzerland. It is now part of the collection of the Swiss National Museum.

©Swiss National Museum

Object from the exhibition "On a Delicate Mission"

Swiss National Museum (2007)

Privileges and immunities are not accorded for the personal benefit of the individuals concerned but rather to enable them to perform their duties in complete independence of the receiving State.

Those who enjoy such privileges and immunities are expected to respect the laws of the host country (Article 4 of the > *Vienna Convention on Diplomatic Relations* and Article 55 of the *Vienna Convention on Consular Relations*).

### Prohibition of the use of force

The United Nations Charter (> *United Nations*) forbids States from resorting to armed force. War is prohibited as a matter of principle. The UN Charter does however permit the use of force in two specific instances:

- A State has the right to self-defence and to use military means to repel an armed attack on its territory until such time as the Security Council has taken the appropriate measures.
- States may take steps to maintain or restore international peace by force with the express authorisation of the Security Council on the basis of a > *Resolution* under the terms of Chapter VII of the UN Charter.

### Protecting power

A protecting power steps in when two States involved in a conflict break off diplomatic and/or consular relations. With the agreement of the concerned parties a third State, or protecting power, takes on some of the functions of the diplomatic mission of one of the conflicting parties in the territory of the other, protects its citizens living in that State and represents its interests. Such services enable the two States concerned to maintain relations at the minimum level.

Having already fulfilled a number of protecting power mandates in World War I, Switzerland found itself much in demand in World War II due to its > *Neutrality*. It represented the interests of 35 States, including the warring Great Powers, with over 00 individual mandates. During the Cold War the number of mandates fluctuated between just four (in 1948) and 4 (in 1973). Today, the classical role of protecting power has lost much of its former significance. Switzerland currently holds four mandates, representing the United States in Cuba, Cuba in the USA, Iran in Egypt and the USA in Iran.

### Protocol

The term protocol has two distinct meanings. In the most common sense, it applies to all the forms, uses and practices of a ceremonial nature that the States and their representatives observe in their diplomatic relations. The protocol service in a ministry of foreign affairs is responsible for dealing with such matters.

The protocol (final protocol, or additional protocol) refers to an international treaty which is complementary to a main treaty. For example, the Additional Protocols I and II of June 8, 1977 to the > *Geneva Conventions* of August, 1949.

### Reciprocity

The principle of reciprocity plays a central role in international relations. In practice this means that a State confers rights and advantages to another State only in exchange for the same privileges. Nevertheless, for obvious humanitarian reasons, the terms of treaties concerning human rights and international humanitarian law must be applied by the States parties in all situations, even when other States parties do not respect the obligations contained in the treaty.

## Recognition

Recognition by an existing State of a newly created State (State = population + territory + government). In recognising a newly independent State, an existing State expresses its readiness to establish and maintain diplomatic relations at the intergovernmental level with the newly created State.

In principle Switzerland recognises only States, not governments. Recognition by Switzerland is therefore not affected by any changes in the government or organisation of the State. A newly independent State does not have an inalienable right to recognition. Recognition is a voluntary act by other States which may be conditional.

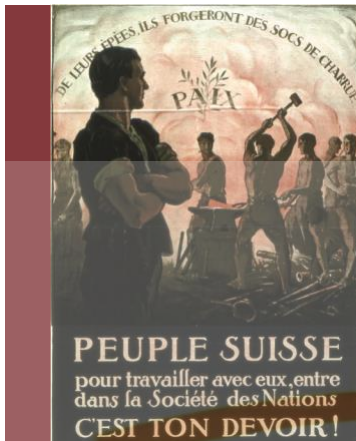
## Reservation

Declaration made by a State party to a multilateral treaty by which it announces its intention to exclude or change the application of a clause in the treaty. Reservations enable more States to become party to the treaty but are not conducive to its uniform application. Treaties may exclude the possibility of reservations, or limit them.









In May 1920, the people and cantons of Switzerland voted with 416,870 votes to 323,719 in favour of membership to the League of Nations. Following the Second World War, the League was replaced by the United Nations.

Campaign poster for membership of the League of Nations, from the Basel Poster Collection.

©Basel Poster Collection

Object from the exhibition "On a Delicate Mission" at the Swiss National Museum (2007)

## Resolution

Decisions taken by an > *International organisation* and international conferences are called resolutions. Resolutions have a standardised format. They begin with a preamble, which is followed by a number of operative paragraphs. Most resolutions are not legally binding but have the character of a recommendation, as is the case for the resolutions of the General Assembly of the > *United Nations* (with the exception of those concerning the UN's internal law). Some resolutions of the United Nations Security Council can also have immediate effect and be binding on all States.

## Sanctions

All measures (diplomatic, economic or military) taken by a State or an > *International organisation* to bring about an end to a violation of international law. Violations can either be noted by an organisation or by a State which considers itself to be a victim.

The > *UN Security Council*, on behalf of the international community, is responsible for declaring what sanctions are to be taken against a State which is endangering international peace.

The > *World Trade Organisation* decides on sanctions in cases of violations of international trade rules.

In other areas, States may take whatever non-military sanctions they deem necessary, providing they are in appropriate proportion to the damage inflicted by the offending State. The > *Prohibition of the use of force* is enshrined in the UN Charter. Sanctions may only be implemented after due notification.

### Sovereignty

At the international level a State is regarded as sovereign if it is independent of all other entities subject to international law (States or > *international organisations*). Consequently it has no obligations except those it entered into itself and those imposed by > *International law*.

### Special mission

Representatives of a State charged with the task of travelling to a third State to negotiate an > *International treaty*, discuss a matter of mutual interest, or carry out another specific duty. Such missions are temporary and generally of limited duration. The individuals entrusted with such missions essentially enjoy the same > *Privileges and immunities* as the diplomatic staff of an > *Embassy*.

### Subsidiarity principle

Principle according to which political decisions must be taken at a level as close as possible to the people. An issue is referred to higher instances only if it cannot be resolved suitably at a lower level. Most federal States include this principle in their constitutions. This enables a division of tasks between federal and state/cantonal powers (see Art. 3 of the Swiss Federal Constitution). The > *European Union* has made this a basic principle of community action.

## United Nations (UN)

The UN is an > *International organisation* of truly global reach. It has 193 member States (summer 2008) and provides a forum for the discussion of all topics of international significance.

The UN promotes international peace and security, the defence of > *Human rights*, the reduction of social inequalities, the protection of the environment, and it provides humanitarian aid in international emergencies.

The main organs of the United Nations are the following:

- The General Assembly (representatives of the member States), which deliberates on matters of international order;
- The Security Council (5 member States), which is responsible for the maintenance of international peace and security;
- The Secretariat, which is responsible for administrative matters and for implementing the decisions of the other organs;
- The International Court of Justice, which is the principal judicial organ of the UN (> *International justice*).

The United Nations System also includes many specialized agencies which are legally independent > *International organisations* linked to the United Nations System through special agreements (for example, the World Health Organisation (WHO)).

Switzerland became a full member of the United Nations in 2002. Before that date (since 1948) the Confederation only had observer status though it was a member of many specialized agencies.

## Vienna Conventions on diplomatic and consular relations

Two > *Treaties* of the greatest importance for international diplomacy were signed in Vienna: the 1961 Convention on Diplomatic Relations and the 1963 Convention on Consular Relations.

## World Bank

Like the > *International Monetary Fund (IMF)*, the World Bank is one of the so-called “Bretton Woods institutions” (place of the founding conference). Switzerland belongs to both organisations.

The World Bank was founded in 1944 to combat poverty. Its instruments include the granting of long-term loans, the transfer of knowledge, the strengthening of infrastructures and the setting of up partnerships with both public and private sector organisations.

## V World Trade Organisation (WTO)

The WTO was founded in 1995 as the successor to the General Agreement on Tariffs and Trade (GATT), which was established just after the Second World War. The WTO is thus one of the newest > *International organisations*. It currently has 161 members (2018), including Switzerland. The main aim of the WTO is to promote and to harmonise international trade.

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The WTO administers existing trade agreements, serves as a forum for the negotiation of new agreements, provides technical assistance and training to developing countries in the field of trade policy, monitors national trade policies, and helps settle trade disputes.

In situations of alleged violations of trade rules, WTO members agree to the > *Peaceful settlement* of disputes through the multilateral system rather than imposing unilateral economic sanctions. They also agree to abide by the decisions of the WTO Disputes Settlement Body.









