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**CONSULAR REPRESENTATION IN BRITAIN: ITS HISTORY, CURRENT STATUS, AND PERSONNEL**

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**Thesis submitted in fulfilment of**

**the requirements for the degree of Doctor of Philosophy**

**Department of Politics**

**University of Durham**



**2004**

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## Abstract

Consuls and consulates are neglected subjects in academic studies, commonly meriting only brief mentions in works on diplomacy. This study redresses the balance in respect of the United Kingdom. The origins of the offices of ambassador and consul are explored, setting the topic within its historical context. Consular law, formerly practised on a piecemeal basis, is now codified in the Vienna Convention on Consular Relations 1963. Early legal models are examined, as are the proceedings of the UN's Vienna Conference which drew up the Convention. The growth and decline of foreign countries' consular networks in the UK from 1700 to 2000 is explored in considerable detail for all countries which had consulates in the UK during that period. Little-known aspects of consular life are discussed, such as how consuls are appointed, consular families/companies, consular uniforms, consular corps, and consuls in wartime. The subject is brought up-to-date by means of a major survey, the first undertaken in the UK, in which more than two hundred consuls (career and honorary) participated. Results were entered into a relational database, enabling detailed analyses to be made, and reveal a unique picture of all aspects of consular life in the UK at the beginning of the millennium. Extensive information includes consuls' age, education, gender, retirement age, location, and additionally for honorary consuls the numbers of countries each represents, knowledge of languages, full-time occupations, duties, whether they receive payment. Consuls give their views on matters such as privatisation, the effect of devolution, the future of honorary consulates. Despite decreasing in numbers from its heyday in the late nineteenth and early twentieth centuries the consular institution continues to thrive, by having changed from its former principal role of serving the maritime industry, which has itself declined, to a new role focusing largely on the needs of travellers.

## Acknowledgements

As this study was undertaken on a part-time basis its duration was rather extended. With most long-term projects one of the difficulties is maintaining an interest in the subject throughout the period of the study. Many people, organisations, and institutions have encouraged and helped me along this journey and a list is given in Appendix A. However, several people must be singled out for mention in this introductory acknowledgement. David Armstrong, at the time Professor of Politics at the University of Durham, took me on board for supervision. Shortly after this, he moved to the Chair of International Relations at the University of Exeter but continued to be available for supervision and helpful advice throughout the study. Supervision at Durham passed to Caroline Kennedy-Pipe, Reader in Politics, who provided useful support during her short time at the University. She too moved from Durham, to the Chair of International Relations at the University of Sheffield. My supervision at Durham then passed to Andrew MacMullen, Lecturer in Politics and Postgraduate Director. He has been a model supervisor; he is conscientious, reliable, and professional and has given me much good advice, assistance and friendly encouragement. Our meetings always began with a cup of coffee. Cathy Thompson, Senior Information Technology Consultant in the University, helped me with the design of the computerised relational database that I used for analysing the data collected by my Consular Survey. She guided me carefully and patiently through the arcane world of computer programming. Several hundred consuls throughout the country, both career and honorary, participated in the Survey; their cooperation was essential and is greatly appreciated. I must also thank the Department of Politics for the generous financial assistance given to me to meet the printing and postage costs incurred by the Survey. Wendy Redhead, the Departmental Secretary, has been an efficient and cheery colleague throughout my time in the Department, even when I inadvertently jammed one of her office computers. I am also grateful to the copyright holders who gave permission to use the illustrations which appear in the study. I wish also to thank Mr

Stephen Clark and his marvellous surgical, medical, and nursing team at the Freeman Hospital, Newcastle upon Tyne, who were responsible for my quadruple bypass surgery and aftercare during the final year of the study, and Dr Ian Underwood my GP at the Claypath Medical Centre in Durham for his continuing care. My family, Lesley, Nick, and Jane were also a constant source of encouragement throughout. My deepest debt, however, is due to my wife, Elizabeth, who provided unwavering encouragement and support and gave me the freedom and time to undertake what is essentially a selfish pursuit.

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## Glossary

- Consular Survey 2000** Survey of consular representation in the United Kingdom carried out in 2000 as part of the present study.
- Database 1** Database containing data on more than two hundred consuls derived from questionnaires they completed for Consular Survey 2000.
- Database 2** Database containing more than 19,000 individual records of consuls and consulates, compiled from FOLDCYBs (q.v.) 1859 to 1965 as part of the present study.
- FCO** Foreign and Commonwealth Office. The United Kingdom Department of State responsible for the conduct of Britain's foreign policy. Created on 17 October 1968 on the merger of the Foreign Office and Commonwealth Office.
- FO** Foreign Office. The United Kingdom Department of State responsible for the conduct of Britain's foreign policy until 17 October 1968 when it merged with the Commonwealth Office to form the Foreign and Commonwealth Office.
- FOLDCYB** Foreign Office List and Diplomatic and Consular Year Book. Organisational and biographical publication relating to the Foreign Office and Britain's diplomatic representatives. First published in 1852, it continued until 1965 when it was superseded by the Diplomatic Service List.
- ICJ** International Court of Justice. Principal judicial organ of the UN, established in 1945 to deal with contentious cases between States.

**ILC** International Law Commission. United Nations organisation established in 1947 for the promotion of the progressive development of international law and its codification.

**LDL** London Diplomatic List. A list of representatives of all foreign states in London. It also includes a Directory of International Organisations.

**VCCR** Vienna Convention on Consular Relations 1963.

**VCDR** Vienna Convention on Diplomatic Relations 1961.

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## INTRODUCTION AND METHODOLOGY

Over the centuries, much attention has been devoted to studies on all aspects of diplomacy. These are to be found in works of history, politics, international law, and biographies, but have focused on ambassadors and high politics. The consular dimension of diplomacy has been severely neglected by academics, historians, international lawyers, and biographers. This is particularly true both in relation to consular representation *within the United Kingdom and to the role of honorary consuls*. Indeed, I have found only two autobiographies written by a consul, one serving and the other retired.<sup>1</sup> Another was written by an individual who, although for a short while was a consul general in London, devoted his entire autobiography to his time as a British consul in Finland.<sup>2</sup> It is hoped that this study, which has created primary material on important matters relating to consular representation in the UK, will prove to be a catalyst which will stimulate interest and encourage others to dip their toes into consular waters. Much of interest remains to be discovered.

The dividing line between ambassadors and career consuls general has changed considerably over the years and nowadays is blurred. No longer are ambassadors recruited from aristocratic families, nor is it unusual for a career consul general to move to an ambassadorial post or for an ambassador to move to a consul general post. For example, at the time of writing, Paul Dimond, British Ambassador to The Philippines was previously Consul General in Los Angeles, Robin Kealy, Ambassador to Tunis was previously Consul General in Jerusalem, Sir James Hodge, Consul General in Hong Kong, was previously ambassador to Thailand. Roger Short, the Consul General who was tragically and senselessly killed in his office in Istanbul in November 2003, had previously been ambassador to Bulgaria; his successor had been ambassador to Uzbekistan. Other examples are given in the chapters on the Consular Survey.

‘The vaguest ideas are still...prevalent as to the functions and life of a consul, and as to the constitution, organisation, and general administration of the consular service.’<sup>3</sup> These remarks were made more than a century ago, referring to British consular representation abroad, but are equally valid today to describe the extent of popular knowledge in the UK of the existence and extent of consular representation in this country and the functions undertaken by consuls. Although consideration of the level of awareness of the British public was not a part of the study it became apparent fairly early on that few people outside the consular world are aware of the extensive network of consulates that exists in the UK. Also, many people confuse consulates with embassies and use the terms interchangeably and often wrongly.<sup>4</sup> Why should this be the case? The main reason, I suggest, is because the mass of the population have no contact with consuls and therefore are untouched by their work, activities, and influence all of which are focused almost entirely on foreign nationals. Paradoxically, most people are probably well aware of the existence of British consuls abroad and would expect to contact them in times of difficulty or trouble when travelling on business or pleasure. However, it does not seem to occur to them that most countries operate a similar consular service in the UK for their nationals.

‘As to ourselves, we do not find the institution of Consuls very necessary. Its history commences in times of barbarism and might well have ended in them. During these they were perhaps useful, and may still be so in countries not yet emerged from that condition.’<sup>5</sup> This was the rather myopic view of Thomas Jefferson, made more than two hundred years ago. However as the study reveals, the consular institution grew considerably over the ensuing centuries and continues to thrive today albeit in a reduced form.

This study offers an empirical examination of consular representation from earliest times up to 2000, with occasional references beyond that date. It is concerned primarily with the situation in the UK but also charts the origins of the institution elsewhere in the world. The approach adopted is a mixture of historical review and contemporary analysis and may be summed up in the following lines by T S Eliot:

Time present and time past  
Are both perhaps present in  
time future.  
And time future contained in time past<sup>6</sup>

The study is divided into three main Parts. Part I deals with the historical and legal background, exploring the origins of the offices of ambassador and consul; it also discusses early attempts to provide a legal framework for regulating and regularising the activities and functions of consuls, culminating in the United Nations Conference held in Vienna in 1963 which drew up the Vienna Convention on Consular Relations. Part II is an extensive examination of the history of consular representation in Britain, tracing the growth, decline and changing patterns of the consular presence from 1700-2000, and in a few instances up to 2003. It also considers detailed aspects of consular life, including the method of appointing consuls, their privileges and immunities, consular companies and families, consuls who represent more than one country, uniforms formerly worn by consuls, the creation of local and national consular associations, and the activities of consuls during wartime. Much information was derived from a computerised relational database which was created as part of the study. It contains more than 19,000 individual records of consuls dating from 1859 to 1965, and was compiled from Foreign Office Lists and Diplomatic and Consular Year Books covering the period. Part III brings the subject up to date and sets out and discusses the findings of the Consular Survey undertaken as part of this study. This is the first survey ever conducted into consular representation in the UK and its findings throw valuable light on a much-neglected area of international relations. More than two hundred career and honorary consuls throughout the UK, representing almost seventy countries, participated. Their replies were entered in a purpose-built computerised relational database and reveal a wide range of hitherto unknown information about consuls such as their age, educational background, training, retirement age, previous foreign appointments, length of service; and in addition for honorary consuls—the number of countries represented, knowledge of the languages of the countries they represent, frequency of visits to countries they represent, full-time occupations, whether they receive payment, the range of functions they undertake, distribution of locations throughout the different regions of the country, and the ratio of male to female consuls. The Survey also reveals consuls' views and opinions on a number of matters, including

the scope for privatisation of some consular functions, the effect of devolution in Scotland and Wales on levels of consular representation, and the future of honorary consulates. The picture that emerges provides a unique insight into the world of the contemporary consul. The Survey's timing proved fortuitous. If it had been conducted after the tragic events of 11 September 2001 in the United States there might have been difficulties in obtaining a statistically representative response rate, since some consuls might have been reluctant to disclose information about themselves. The Conclusion gives a brief summary of the study, discusses the ways in which consular representation and the role of consuls have changed over time, and considers developments that might influence or affect the future pattern of consular representation, not only in the UK. At several points in the study, including the Conclusion, various practices or procedures are challenged or criticised and suggestions for change or improvement are offered.

The Channel Islands and the Isle of Man are not part of the UK but they have been included within the scope of this study for two reasons: (a) the UK government is responsible for their foreign affairs, and (b) the superintending consulates general of all the Channel Islands consulates are based in the UK, generally in London. Ireland is also included in the various statistics up to the year 1922 when it achieved independence from Britain.

Some years before embarking on the current study I undertook a small-scale project on consular representation in the north east of England. Several items of that earlier work continue to be relevant and this explains why, on a few occasions, there are references in the present study to dates which may seem anomalous.

### *Methodology*

The method of approach to undertaking the study has been based first of all on the customary literature review (described below) which, as explained in the Introduction, is relatively limited for the subject of the study. Nevertheless, despite the dearth of books specific to the topic a large number of books relating, for example, to diplomacy, international law, history, and economics have contributed to my knowledge. Full references to these and to the works mentioned below are given in the relevant chapters and in the Bibliography.

Although the offices of ambassador and consul were traditionally separate, many of the texts consulted for the chapter relating to the history of both offices were similar. The seminal works by Garrett Mattingly and Donald Queller were good starting points. Calendars of State Papers for Venice and other parts of Italy were useful, as was Satow's Guide, Fifth Edition—although dated and beginning to show its years. Also of interest were articles by Betty Behrens in *Transactions of the Royal Historical Society* and in *The English Historical Review*. Useful articles were also contained in *The Scottish Historical Review*, *The Journal of the American Oriental Society*, *Economic History Review*, *Revue d'Histoire Diplomatique*, and *Business History*. Other publications consulted included D C M Platt's *Cinderella Service: British Consuls since 1825*, Gary M Bell's *Handlist of British Diplomatic Representatives 1509-1688*, D B Horn's *British Diplomatic Representatives 1689-1789*, S T Bindoff's *British Diplomatic Representatives 1789-1852*, Harold Nicolson's *Diplomacy*, Charles S Kennedy's *The American Consul: A History of the United States Consular Service 1776-1914*, Jaroslav Zourek's *Le statut et les fonctions des consuls*;<sup>7</sup> and, throughout the study, Luke T Lee's *Consular Law and Practice*, R G Feltham's *Diplomatic Handbook*, and Keith Hamilton and Richard Langhorne's *Practice of Diplomacy* proved useful references.

In Chapter 2, dealing with the codification of consular law, extensive use was made of the proceedings of the Vienna Conference on Consular Relations 1963. Among the many other works consulted were, again, Lee's *Consular Law and Practice*, and articles in *The British Digest of International Law* and *The American Journal of International Law*.

In Part II, dealing with consular representation from 1700 to 2000, much use was made of a specially created computerised relational database into which were entered data about consuls and consulates based in the UK during this period. The data were derived from copies of the Foreign Office List and Diplomatic and Consular Year Book (hereafter referred to as FOLDCYB) spanning a period of more than a hundred years; the resulting database contains more than nineteen thousand individual records. Much additional information for this Part was obtained as a result of research made in various archives and also by considerable correspondence with individual consuls and other persons, ministries of foreign affairs, and a variety of government departments, libraries, and record offices both in the UK and abroad. A full list is given in Appendix

A. Trade and other directories and company histories covering a period of more than two hundred years were also consulted, as were consular instructions issued to staff by several ministries of foreign affairs.

Obtaining information for Part III, which deals with the contemporary state of consular representation in the UK, called for a different approach. This was undertaken by means of a mailed questionnaire survey, described in the study as *Consular Survey 2000*, and sent to career and honorary consuls throughout the UK. This is a major survey, the first undertaken in the consular field in this country, and has produced data on the consular presence at the turn of the new millennium. To support and contain the enormous amount of data gathered, a computerised relational database was designed which permitted detailed analyses to be made. Fuller details of the methodology adopted are given in Chapter 9 and Appendix D.

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<sup>1</sup> Angela Kneale, *Fish and Ships: 25 Hectic Years as a Consular Agent in the Isle of Man*, Douglas, Isle of Man, The Manx Experience, 1995; Nathaniel Hawthorne, Consular Experiences, in *Our Old Home: a Series of English Sketches*, Centenary Edition of the Works of Nathaniel Hawthorne, Vol.5, Ohio, Ohio University Press, 1970.

<sup>2</sup> Henry McGrady Bell, *Land of Lakes: Memories Keep Me Company*, London, Robert Hale, 1950.

<sup>3</sup> J H Longford, 'The Consular Service and its Wrongs', *Quarterly Review*, Vol.197, April 1903, No.394, p.598. The article continued, patronisingly, to state: 'In former days travellers were few, and gave little trouble to consuls; moreover, they were generally persons of substance and intelligence, whose visits, even if they occasionally necessitated official assistance, were almost invariably a source of pleasure. The case is now very different. Modern facilities have flooded the world with British tourists, often lacking in substance or intelligence, to the majority of whom the consul is a maid-of-all-work, liable to be called upon at any hour of day or night for any conceivable object.' p.606.

<sup>4</sup> Fewer still are aware of the existence of high commissions, the equivalent of embassies between member states of the British Commonwealth.

<sup>5</sup> Letter dated 20 June 1788 from Thomas Jefferson to Armand Montmorin-Saint-Hérem, French Minister of Foreign Affairs. Julian P Boyd, ed., *The Papers of Thomas Jefferson*, Vol.14, 8 October 1788 to 26 March 1789, Princeton, Princeton University Press, 1958, p.124.

<sup>6</sup> T S Eliot, *Burnt Norton*, London, Faber & Faber, 1941, p.9.

<sup>7</sup> Zourek was the Czechoslovakian member of the International Law Commission and the Rapporteur who was largely responsible for drawing up the draft Convention on Consular Relations which was the subject of the Vienna Conference in 1963. He features in Chapter 2.

## CHAPTER 1

### ORIGINS OF THE OFFICES OF AMBASSADOR AND CONSUL

#### *Introduction*

States conduct their overseas representation at two levels, diplomatic and consular. Although this study is concerned primarily with matters relating to consular representation it would be incomplete without considering the origins of representation at the higher diplomatic level. Accordingly, this chapter examines the origins of the offices of both ambassador and consul, tracing some of the significant events and changes that have shaped them over the centuries.

#### *AMBASSADORS*

##### *Early beginnings*

There have been 'ambassadors' since time immemorial, from the moment that two groups of people wished to make contact and appointed one of their number to act as a neutral go-between. Early embassies were *ad hoc* affairs, for example to conclude treaties, arrange alliances, announce declarations of war, arrange marriages, present gifts, and convey congratulations on anniversaries and condolences on deaths. However, the most important feature that distinguishes the envoys who led those missions from their later counterparts is that they did not take up permanent residence in the cities, states, or countries to which they had been sent. When their mission was concluded, they returned home.

Numelin suggests that the origins of diplomacy, and therefore of ambassadors, are to be found among the inter-tribal customs of primitive peoples such as the aborigines of Australia and Oceania.<sup>1</sup> He argues also that the seeds of international law can probably be seen in these customs. Maulde la Clavière claims that diplomacy is 'as old as the world and will only perish with it'.<sup>2</sup> Korff makes a convincing case for believing 'that the ancient world knew very well the meaning of international relations

and was making use of an elaborate system of institutions, well developed and firmly established'.<sup>3</sup> Evidence of diplomatic activity in the form of agreements or treaties between rulers of neighbouring kingdoms and states can be traced as far back as the fourth millennium BCE between the rulers of the kingdoms of Lagash and Umma in Sumer, the southern region of Babylonia, the seat of a civilisation of city-states.<sup>4</sup> In China, the Emperor Yao received envoys from neighbouring tribes as early as 2353 BCE.<sup>5</sup>

In Pharaonic Egypt, diplomatic intercourse was conducted between the Egyptian court and the rulers of neighbouring states. Documents from the Amarna period provide evidence of such communications during the mid-fourteenth century BCE. Although undertaken on a fairly regular and systematised basis this form of diplomacy was 'certainly not sophisticated. On the contrary, it was quite crude.' Yet it was 'modestly effective.'<sup>6</sup> The Assyrians, whose empire stretched from Egypt to the Persian Gulf, made frequent use of ambassadors to settle disputes. During the first millennium BCE, the Hindu peoples of Manu developed a sophisticated system of diplomacy and laws. There were other treaties concluded during ancient times, for example 'by the Cretans in the Mediterranean, the Mitanis of Mesopotamia, the Phoenicians, the Philistines, Hebrews and other peoples of Asia Minor'.<sup>7</sup> The Greek Amphictyonic leagues became quasi-diplomatic centres. The oldest and most influential were those of Delphi and Thermopylae whose priests had powers to declare war or to prevent war.<sup>8</sup> There was no institutionalised form of permanent diplomatic representation. The closest to this was the system of *proxenia*. The *proxenoi* were members of Greek city-states who represented interests in their cities of other city-states. They were therefore closely related to the office of honorary consul that would appear later in Northern Italy, and are discussed further below. Unlike the Greek city-states, which were surrounded largely by peoples who were regarded as equals, Rome was surrounded by peoples whom the Romans regarded as barbarians, sharing none of the Roman ideals of culture and religion. Wars were frequent and treaties were drawn up on the basis of victor and vanquished, never of equals.<sup>9</sup> Rome did send ambassadors to neighbouring countries, such as Gaul and Burgundy, but it did relatively little to systematise diplomacy. It also received embassies and dealt with them according to whether they came from enemy territories or were from friends of Rome. Recognising that its diplomatic missions were not without risk, it formalised a system of ambassadorial immunities, carrying severe



penalties for transgressions. Rome also had another set of laws that were used in its relations with foreigners. This *jus gentium*, or law of nations, developed into international law. The influence of Rome in the legal field still endures, as Roman Law shaped the legal systems of countries such as France, Belgium, and Scotland. Roman diplomatic activities extended beyond Europe. Commercial and diplomatic affairs were conducted with China via the Silk Road. In 166AD an embassy sent by the emperor Marcus Aurelius Antoninus arrived in China.<sup>10</sup>

In 395AD, the Roman Empire was divided into two parts: the Western (Latin) Empire which lasted until the sack of Rome in 476, and the Eastern (Greek) Empire with its capital in Byzantium, later renamed Constantinople. The Eastern (Greek) Empire lasted until 1453, when Byzantium was conquered by the Turkish Sultan Mohammed II.<sup>11</sup> Christendom was also divided into two parts, with the Pope heading the Roman Catholic Church and the Patriarch of Constantinople heading the Eastern Orthodox Church. Relations between the two branches were always uneasy, and diplomatic activity was a constant feature of Byzantine government. Papal legates to Constantinople were evident from the 530s to the early eighth century. These appointments carried significant career advancement possibilities and nearly half of the appointees were eventually appointed as popes.<sup>12</sup> Lounghis has listed 170 Byzantine embassies sent to the west between 408 and 800AD.<sup>13</sup> This number is regarded as conservative, and the actual number of embassies during this period is thought to have been four or five times this figure.<sup>14</sup>

The sending of embassies in the Middle Ages was not confined to European Christian rulers. In the early part of the seventh century, the first Islamic mission was sent by the Prophet Mohammed to Abyssinia to seek the protection of the negus, or king.<sup>15</sup> Other missions followed over the centuries, some to countries seldom mentioned in annals of diplomacy. For example in 845AD, the Emir of Cordova, Abd al-Rahman II, sent an ambassador—Yahya bn-Hakam el Bekri al Djayani—to Norwegian Vikings based in Ireland.<sup>16</sup> The Ismaili ruler Ala ud-Din sent an envoy to Henry III in 1238 to seek English help against Mongol hordes.<sup>17</sup> The Sinhalese King, Bhuvaneka Bahu I, sent an embassy to the Sultan of Egypt in 1283.<sup>18</sup> In 1287-8, the Nestorian monk Rabban Sauma and a few companions were sent as an embassy by the Mongolian king Arghon and the Nestorian patriarch Mar Yabhalaha to visit the pope and various

European sovereigns. In China, the Ming emperor Hung-wu in 1368 sent envoys to Korea, Japan, Annam (Vietnam), Champa, Tibet, and other neighbouring states to announce his accession.<sup>19</sup> Just over a century after the Middle Ages, the first Japanese embassy to Europe visited Pope Gregory XIII in 1585 and the King of Spain the following year.<sup>20</sup>

### *Papal diplomacy*

Ostensibly, papal diplomacy should be concerned solely with matters relating to the interests and well-being of the Roman Catholic Church. However, such a view ignores the historical geo-political role of the Church, how it was for centuries an international and intra-national religious and political hegemony, one which wielded enormous power and influence far beyond its own territorial frontiers, that could appoint or depose monarchs, that threatened them and their countries with punishments for non-compliance with papal edicts, that collected revenues from monarchs, local clergy, and the laity throughout Europe, and that raised crusading armies. Given such a background, the Church was ineluctably involved in affairs of state, requiring an international network of clerical functionaries, the papal legates and nuncios, to act on its behalf. Up to the end of the Middle Ages, regardless of whether or not they had representatives elsewhere, all monarchs were represented in Rome. At that time, the papal court was regarded as the 'news centre of the diplomatic world'.<sup>21</sup>

Resident ambassadors did not appear at the Holy See before the 1430s.<sup>22</sup> Although English proctors were there in the fifteenth and sixteenth centuries they delegated responsibility for the routine work to Italians. Such was the complexity of the day-to-day work that it was seldom carried out by foreigners. It was not until 1509 that England had its first resident ambassador and proctor at the Curia when Henry VIII accredited Cardinal Christopher Bainbridge, Archbishop of York. From that date, the English proctor, as a 'separate entity may be said entirely to disappear in Rome'.<sup>23</sup> From about 1477 'until diplomatic relations were broken off at the time of the Reformation, the English Crown almost always, and from the accession of Henry VIII continuously, employed an agent with the Curia who was both an ambassador and a proctor'.<sup>24</sup> Although for centuries the papacy had been unwilling to receive resident ambassadors its stance gradually changed, and by the end of the fifteenth century 'the position of the resident ambassador in Rome seems to have been undisputed'.<sup>25</sup>

### *Renaissance*

History does not lend itself to evolving into neat compartments, with one period being followed seamlessly by another; there are always overlapping periods. So, while the Middle Ages are generally reckoned to have ended with the collapse of Constantinople and the Byzantine Empire in 1453 it is not surprising that the Renaissance period was already underway by this date. There is no unanimously agreed view as to the dates that constitute the Renaissance period, but it is generally regarded as beginning in Italy in the fourteenth century. Mattingly describes it as being from the period which begins with Petrarch [1304-1374] and ends with Descartes [1596-1650], with the diplomacy of the period assuming 'its characteristic form between 1420 and 1530'.<sup>26</sup>

In the early 1300s, Venetian ambassadors regularly made hazardous journeys to take up appointments in Flanders, travelling to Bruges and Antwerp via Southampton in galleys operated by Flanders merchants but owned by the Venetian State.<sup>27</sup> Ambassadors also faced hazards in their places of employment. For instance, the Genoese ambassador in London, John Imperiall Janevois, was murdered there in 1380.<sup>28</sup> England and Portugal were also active diplomatically in this period and signed a treaty of peace and friendship in 1373 and the Treaty of Windsor, in 1386. The latter is regarded as the oldest treaty by which Britain is still bound.<sup>29</sup> England and Castile had *ad hoc* ambassadors in Rome in 1422.<sup>30</sup> One of the busiest periods of diplomatic activity for England in the fifteenth century occurred during the last phase of the Hundred Years War with France. Between 1422 and 1461 it sent 651 missions, comprising 417 ambassadors (a number of whom served on several missions) to fourteen countries, including Rome. In the same period, it received 332 missions, comprising 252 ambassadors, from eighteen countries, including Rome. The highest number of missions sent were those to Burgundy (172) and France (199); these two also sent the highest number to England, 38 and 57 respectively.<sup>31</sup>

By the mid-fifteenth century, politics in Rome was in the ascendancy. Mattingly describes it thus: 'From the 1460s on, then, Rome became what it was long to remain, the chief training school and jousting field of diplomacy, the listening post of Italy, the center, above all others, of high political intrigue'.<sup>32</sup> Nevertheless, this period of Italo-

centric diplomatic predominance was relatively short-lived. The French invasion of Italy in 1494 'ended the closed period of Italian Renaissance diplomacy with dramatic abruptness. ... At the same time, the Italian power-system was wrecked forever'.<sup>33</sup> It was now the turn of the major European powers to enter more fully on the diplomatic stage and the age of modern diplomacy began. The next three centuries saw periods of intense diplomatic and military activity as the powers jostled for positions of influence. National boundaries were drawn and redrawn; the power and influence of the papacy waned. During the period from 1509 to 1689, England sent a total of 602 ambassadors on 1320 missions, principally throughout Europe but also including several to North Africa, Persia, and the Indian Sub-Continent.<sup>34</sup>

Nowadays, arguably the best known sixteenth century diplomat was Niccolò Machiavelli. He worked in the Florentine Chancery and was sent on *ad hoc* missions to France, Pope Julius II, and the Emperor Maximilian.<sup>35</sup> There was a Venetian resident ambassador in London in 1523 and an English one in Venice from the early 1520s.<sup>36</sup> Although France had a resident ambassador in Constantinople from about 1536 it was not until 1583 that England appointed one there. He was William Harborne, an agent of the Levant Company which had held the monopoly of the English Levant trade since 1581. This was an unusual appointment in that although the ambassador was appointed by the crown, his salary was paid by the Company. He reported to both the Foreign Secretary and the governing body of the Company. The Company was wound up in 1825 and its staff and establishments were transferred to the British Consular Service.<sup>37</sup>

Diplomatic relations between England and Spain were also strained at this time; Bernardino di Mendoza, the Spanish resident ambassador in London, was declared *persona non grata* in February 1584 and given fourteen days to leave the country.<sup>38</sup> One of the more exotic ambassadors to arrive in England at the time was Abd al-Wahid (sometimes transcribed as Abd el-Duahed), an ambassador sent in 1600 by Ahmad al-Mansur, King or Sultan of the Barbary States (See Figure 1).

It was not unusual for senior church figures to be directly involved in secular politics. Well-known examples are Cardinals Richelieu, Mazarin, and Fleury in France, Cardinal Wolsey in England, and Cardinal Beaton in Scotland. However, it was relatively unusual for senior clergy to be appointed as resident ambassadors. Even those



Figure 1. Abd el-Duahed ben Messaoud ben Mohammed Anoun, first Moor Ambassador to England, 1600. (University of Birmingham Collections)

who were papal legates were invariably sent on *ad hoc* missions from Rome or France or, rarely, England or Scotland. Apart from those who were based permanently in Rome, their legatine duties were an adjunct to their diocesan or abbatial responsibilities. One of the rare exceptions to this practice is James Beaton, Archbishop of Glasgow and nephew of Cardinal Beaton. In 1560, he was appointed resident ambassador in Paris of Queen Mary of Scotland. He continued as ambassador of the Scottish king James VI, and died in Paris in 1603.<sup>39</sup> Other examples are Cardinal Christopher Bainbridge, Archbishop of York, who was appointed resident English Ambassador in Rome in 1509 and Cardinal de Bouillon, French Ambassador in Rome in 1699.<sup>40</sup>

Ambassadors were also used within the British Isles. Britain consisted of the kingdoms of England and Scotland up to 1603 when, following the death of Queen Elizabeth of England, the Scottish king James VI also became James I of England, and the following year was proclaimed King of Britain, France and Ireland.<sup>41</sup> This union of the crowns was further cemented in 1707 by the Treaty of Union under which the separate English and Scottish Parliaments were subsumed in a British Parliament. Thus, prior to 1603 both England and Scotland received ambassadors from and sent ambassadors to each other as well as foreign countries. In February 1547, an indication of how few resident ambassadors there were in England can be seen from the order of ceremonies observed at the funeral of Henry VIII. Only the ambassadors of France, the Holy Roman Empire, and Venice are recorded.<sup>42</sup>

### *Diplomatic titles*

The preamble to the Vienna Convention on Diplomatic Relations, 1961 recalls that ‘peoples of all nations from ancient times have recognised the status of diplomatic agents’.<sup>43</sup> What is a diplomatic agent? At its simplest, it is anyone who is sent on behalf of another party, whether to convey a message or to negotiate or mediate between two or more parties. It ranges therefore from an envoy, emissary, or herald of ancient times to a present-day ambassador extraordinary and plenipotentiary. This definition was further simplified by Gulielmus Durandus, who wrote in the thirteenth century: ‘A *legatus*...is anybody sent by another’.<sup>44</sup> Legate was the most common term used during the Renaissance, particularly for a papal envoy. The *droit d’ambassade*, or right to send an embassy, was not confined to sovereigns or heads of state, as it is nowadays. Anyone could send an embassy to another person or body. In the thirteenth and fourteenth

centuries, for example, it was common for cities, merchant towns, universities, and craft guilds to send ambassadors to negotiate with one another and with rulers of other states.<sup>45</sup>

It might be thought that there could be only a very few titles to describe diplomatic envoys. After all, their range of functions are relatively circumscribed: they were sent abroad to represent their monarch, country, or city-state, either on an *ad hoc* basis or as a resident. However, despite their well-defined responsibilities, diplomatic envoys acquired a bewildering and confusing array of nomenclature. Over the centuries, they have been known by a multifarious list of titles which have included: ablegatus, actor, angelos, ambasciatore, ambassiator, ambaxiator, ambaxitor, apocrisarius, commissar, commissioner, consiliarius, factor, keryx, legate, lieger, mandatarius, missus, negotiorum gestores, nuncio, nuntius, orator, presbys, proctor, procurator, and responsalis. Even contemporary officials who were closely concerned with the titles and protocol found themselves confused at times.

In addition to the contemporary confusion there have been several lengthy academic discourses, as well as disagreements, on the subject of titles and their meanings. See, for example, the works of Behrens, Cuttino, Ferguson, Mattingly, and Queller mentioned in the endnotes. Queller, for instance, devotes twenty-three pages of his *Office of Ambassador* to the title of *nuncius*, and thirty-four to that of procurator. He often disagrees with the interpretations of colleagues, while Ferguson disagrees particularly with him and Behrens.<sup>46</sup> Despite the variety of titles it may be safely assumed that most, when in use at the time, had only an honorific function.<sup>47</sup> However, the terms which have been used most frequently over the ages, and which are of most interest to this study, are legate, nuncio, proctor (or procurator), and ambassador.

Legate was originally a general term for all diplomatic agents but by the thirteenth century it came to be regarded as referring only to papal envoys.<sup>48</sup> There were three classes: firstly, *legatus a latere*, the most senior post (literally, from the pope's side); the term *legatus a latere* occurs for the first time in a canon of the Synod of Sardica in 343AD.<sup>49</sup> The holder was usually a cardinal sent on important missions, such as negotiating treaties with kings, ensuring payment of moneys owing to Rome (such as Peter's pence, and dues for the costs of the Crusades), and appointing bishops and

abbots. He was sometimes described as the pope's *alter ego*, and even today this description is contained in canon law.<sup>50</sup> The second class, *legati missi*, usually bishops or archbishops, had lesser authority and carried out such duties as visitations to religious establishments. Finally, *legati nati* were locally-based prelates who had legatine authority within their dioceses.<sup>51</sup> Present-day diplomatic representatives of the Holy See are termed Apostolic Nuncios. Legates should not be confused with legations, which was a term later used, up to the early twentieth century, to describe diplomatic missions headed by resident ministers rather than by ambassadors.

Proctors, or *procuratores* (the terms were interchangeable), appeared around the thirteenth century.<sup>52</sup> They were persons who had studied Roman and Canon Law at medieval universities such as Oxford and Cambridge and had received a patent from a bishop to practise law in his consistory court.<sup>53</sup> Many were appointed by sovereigns to represent them and look after their interests, chiefly in the Roman Curia but also in the *Parlement de Paris*. In the diplomatic world, the term 'procurator' went out of use in the seventeenth century.<sup>54</sup> However, in the legal world, it is still used in Scotland where procurators fiscal are the public prosecutors.

The term 'ambassador' is seldom used in English records up to the fourteenth century. Its first reference is thought to have been in 1315-16, when Master Richard Plumstock was sent to Avignon. He is described as '*coambaxatoribus*'.<sup>55</sup> As has been seen, the term 'ambassador' was in use before the Middle Ages, and described almost anyone sent on a mission—whether a lay person, a representative of a prince or sovereign, or even a city or corporate entities.<sup>56</sup> However, it is generally agreed that in the diplomatic field 'ambassador' as a term owes its origins to thirteenth century Italy.<sup>57</sup>

The first appearance of the generic word 'diplomat' was in an article written by Robespierre in 1792. Although attention was drawn to this article in 1801 in Sébastien Mercier's *Néologie ou Vocabulaire des Mots Nouveaux* it was not until 1835 that the word was admitted into the canon of officially recognised French words, the dictionary of the Académie Française. Prior to this, a diplomat was often described as a negotiator, and diplomacy was the art of negotiation.<sup>58</sup> Satow confirms that the word 'diplomacy' has been 'in the English language for no more than two centuries'.<sup>59</sup>



### *Who was the first resident ambassador?*

Several writers have suggested that the origins of the resident ambassador are to be found in the Venetian resident consuls.<sup>60</sup> Queller, on the other hand, while not denying that the resident consuls may have had an influence, attributes the creation of resident ambassadors to the increase in the number and duration of *ad hoc* embassies.<sup>61</sup> This is one of the many issues for which there is no definitive archival material that would settle the question, and one therefore enters the realm of speculation. Nonetheless, Queller's pragmatic suggestion is compelling when considered against the background of the vagaries of international travel undertaken by *ad hoc* envoys, involving journeys that were not only lengthy but also fraught with danger. A skilled and experienced envoy *in situ* was an obvious and probable solution.

Cuttino and Clifford argue that procurators employed by English monarchs in the *Parlement de Paris* and in the papal curia in Avignon in the early 1300s were the paradigms for the resident ambassador.<sup>62</sup> Mattingly rejects this argument, firstly on the grounds that England had no procurators in Paris after the 1330s, nor shortly afterwards at the papal court in Avignon. This in itself is not adequate grounds for rejection, since it does not invalidate the fact that, for a time at least, these agents were resident for long periods, in one case (Othon de Grandson) ten years. More convincing, however, is his second point that as procurators were essentially legal practitioners their presence at these courts implied the acknowledgement and recognition of a superior legal jurisdiction.<sup>63</sup> Queller does not go so far on this, merely stating that 'it is from the procurator that the ambassador plenipotentiary derives'.<sup>64</sup> Note that he does not say 'resident'. In Mattingly's view, the first resident diplomatic agent for whose appointment there is archival evidence represented Luigi Gonzaga, the Mantuan leader, at the court of Louis the Bavarian before 1341; also, Mantua and Milan exchanged resident diplomatic agents between 1375 and 1379, but the arrangement appears not to have been permanent.<sup>65</sup> Cuttino suggests that Fernão Gonçalves, the Portuguese Ambassador at the English court at the time of the Treaty of Windsor, 1386, was a permanent resident ambassador.<sup>66</sup> Mattingly, writing some thirty years before Cuttino, believed that the first exchange of *regularly* accredited resident ambassadors took place between the Milanese ruler Filippo Maria Visconti and the Hungarian king Sigismund, from 1425 to 1432.<sup>67</sup> At the opposite end of the spectrum from Mattingly's pre-1341 candidate there is the claim by Behrens that 'the employment of resident

ambassadors...dates from the middle of the fifteenth century,...'.<sup>68</sup> Another contender for being at least one of the first resident ambassadors is Nicodemus of Pontremoli 'who represented Milan at Florence for twenty years, with one short break'.<sup>69</sup> Initially, Francesco Sforza, ruler of Milan, sent him as personal representative to Cosimo de' Medici. However, when Sforza became Duke of Milan in 1450 or 1455 (accounts differ), he changed Nicodemus's status to representative to the Florentine republic.<sup>70</sup> Mattingly is scathingly dismissive of Nicodemus's place in the ambassadorial pecking order, alleging that 'mere repetition has ensured his name an eminence scarcely deserved. ... It is for the length and distinction of his diplomatic career, not its priority, that he deserves to be remembered.'<sup>71</sup> Milan had a resident ambassador in France from 1463 to 1475, and Mattingly suggests that this was the first resident embassy to France from an Italian state.<sup>72</sup> However, documentary evidence was discovered in the 1990s which refines this and shows that Francesco Sforza, the ruler of Milan, did not raise the question of establishing a resident embassy in France until 1464. Prior to that date he had sent only *ad hoc* envoys. The following year, 1465, he appointed Giovanni Pietro Panigarola as his first permanent resident ambassador at the court of Louis XI.<sup>73</sup>

While there are conflicting claims for who should be regarded as the first resident ambassador, and the date of his appointment, there is general agreement that the institution of resident ambassador was 'fully developed in Italy by the 1450s and spread...to the rest of Europe around 1500'.<sup>74</sup>

Venice had been sending ambassadors to England since 1316 but its first resident ambassador was not appointed until 1496.<sup>75</sup> Satow states that the very first resident ambassador in England was Rodrigo Gonzales de Puebla of Spain, who was appointed in 1495. However, while it is not clear who was the first resident ambassador in England, there were at least two before de Puebla's appointment. In 1490, Milan accredited a Genoese merchant in London as its resident ambassador, and by 1493 Naples also had one there, as well as in Spain and in Germany.<sup>76</sup> The number of resident ambassadors in Europe began to increase, and although they had been 'extremely rare in 1440', they had become 'commonplace throughout Italy by 1460'.<sup>77</sup> Venice had tried to install a resident ambassador in France in 1463 and 1470 but because of Venice's links with Burgundy, France was unwilling to receive a Venetian resident, although it eventually did so in 1478.<sup>78</sup> During this period, Venice had a

resident ambassador to the Burgundian Court from 1470 to 1475.<sup>79</sup> There was a Spanish resident in Rome since the 1480s.<sup>80</sup>

As has been seen, long before the reign of the first Tudor king, Henry VII, England had been represented in Rome by diplomatic agents, described as proctors, whose function was to safeguard the monarch's ecclesiastical interests at the papal Curia. While this appears to have been on an *ad hoc* basis, a more or less continuous succession began in 1477 with the appointment of John Shirwood, a papal protonotary, as proctor of Edward IV.<sup>81</sup> Although a proctor's functions were regarded as legal, there is evidence that from 1483 onwards Burchard, the papal master of ceremonies and a person who was well aware of the niceties of protocol, always described Shirwood in his diaries as ambassador. Behrens has made a convincing case for proving that he was a resident ambassador.<sup>82</sup> The first English resident ambassador was John Stile, who served in Spain from 1505 until 1510; the second was Thomas Spinelly, who served in the Netherlands from 1512 to 1517.<sup>83</sup> Henry VIII sent two resident ambassadors, Sir Thomas Boleyn and Dr Nicholas West, to France in 1519 and France had a resident in London from 1526.<sup>84</sup> A few years earlier, in November 1511, West had been sent as Henry's ambassador to King James IV of Scotland with terms of reference which included 'authority to pardon all quarrels, etc., between the subjects of England and Scotland'.<sup>85</sup>

### *When did modern diplomacy begin?*

As may be expected, there is no single date on which it could be said that modern diplomacy began. However, it is generally agreed that it did so in the Italian city-states in the fifteenth century. In view of the area's geo-political situation there was almost an inevitability about this. The Italian peninsula was a thriving centre of trade and commerce, with its interests spread throughout western and northern Europe, the Levant and parts of North Africa. Indeed, such was the scale and importance of the activities taking place in and among the littoral cities of the Mediterranean that the region fully justified its title of 'the middle of the earth'. The unification of Italy would not be achieved until 1870, but during the Middle Ages and the Renaissance the Italian Peninsula was made up of a patchwork of independent states. In the north there were the city-states of Florence, Genoa, Pisa, and Venice; and in the south, Sicily and Naples. The central part of the country was occupied by the Papal States which were sufficiently

powerful to prevent any attempts at unification. For centuries, the pattern on the Peninsula was one of constant power struggles. In such a mercurial political climate there was a permanent role for ambassadors, spokesmen, politicians, and secular and religious go-betweens. Although Eurocentric in its origins, this form of international intercourse has nevertheless been adopted as the norm by all modern sovereign states.

A major diplomatic watershed took place in 1648 with the signing of the treaty that brought about the Peace of Westphalia. It ended the Thirty Years War, a major conflict involving mainly Austria, Denmark, France, Holland, the German States, Spain, and Sweden. The treaty was important for several reasons. It brought an end to the conflict and, *inter alia*, gave the German states their sovereignty. However, the aspect of most interest to this study is that it also opened up the era of European congresses. The participants were no longer kings and emperors but their representatives and ambassadors.<sup>86</sup> After this, the 'right to send and receive embassies began to be considered a test of sovereignty'.<sup>87</sup>

The next major diplomatic watershed occurred at the Congress of Vienna from 1814 to 1815. Its chief purpose was to decide how to apportion post-Napoleonic Europe among the major European powers, Britain, France, Austria, Prussia, and Russia. The minor powers represented were Portugal, Spain, and Sweden. Apart from redrawing the European map, the Congress drew up a *règlement*, or classification, of the different grades of diplomats. It concluded that senior diplomatic staff were to be divided into three classes:

Ambassadors, legates, or nuncios  
 Envoys, ministers or others, accredited to sovereigns  
*Chargés d'affaires*, accredited to ministers of foreign affairs<sup>88</sup>

The Congress of Aix la-Chapelle in 1818 agreed to add a fourth class, ministers-resident, to rank between ministers plenipotentiary and *chargés d'affaires*.<sup>89</sup> These changes had the effect of standardising diplomatic nomenclature, thus avoiding the confusion caused by the wide range used hitherto, mentioned earlier. The order of precedence of countries among themselves would henceforth be alphabetical, based on their French spelling. This remains the procedure to the present day and avoids the petty squabbles that occurred frequently in the past about relative precedence. The *règlement*

was revised only slightly by the Vienna Convention on Diplomatic Relations 1961 to take account of the fact that there are no longer legates or ministers-resident. The current classifications are:

‘Heads of missions are divided into three classes, namely:

- (a) that of ambassadors or nuncios accredited to Heads of State, and other heads of mission of equivalent rank;
- (b) that of envoys, ministers and internuncios accredited to Heads of State;
- (c) that of *chargés d'affaires* accredited to Ministers for Foreign Affairs.’<sup>90</sup>

## ***CONSULS***

### ***Introduction***

This section explores the origins of the consular institution. It begins by considering why there is relatively little archival material dealing with the early period of this ancient office in comparison with that dealing with embassies and ambassadors. There is also a degree of confusion about the difference between the functions of diplomats and consuls; this is examined, contrasting the chief differences in the duties of those of earlier times and those of today. The historical origins of the office of consul are explored, tracing them to at least the sixth century BCE. It is generally considered that the Italian city-states provide the first model of the modern consular institution, and that Venice was pre-eminent among them. The case for regarding the Greek *proxenoi* as among the earliest examples of honorary consuls is considered. Although the Italian city-states’ contribution to the shaping of the modern consular institution was of primordial importance, it should not be overlooked that consular developments were taking place elsewhere in Europe. Examples of these are considered. The term ‘consul’ has also been used to denote holders of an office that is entirely dissimilar to that used in this study. Finally, there is brief discussion of the once-important consular function of extraterritoriality

### ***Paucity of archival material relating to early consuls***

Despite the fact that the consular institution is considerably older than permanent diplomatic missions, much less is known about its origins. There exist only exiguous sources of early consular archival material in comparison with those relating to embassies, diplomacy, diplomats generally, and ambassadors in particular. The same is true of consular historiography. For example, the number of consular histories and

biographies pales in comparison with those in the field of diplomacy where there is a long-established trend of ambassadors writing biographies and, occasionally, histories of diplomacy. Retired politicians and statesmen are similarly given to this tradition. Although the motivation of some of these writers may have been self-aggrandisement, nevertheless their accounts are useful to historians, and a number of important works from that quarter have entered the canon of frequently-quoted publications. But why is there such a paucity of early consular material, and why have few consuls either explored the historical antecedents of their profession or written biographies, as their diplomatic *confrères* have done? The claim might be made that it arises from the consular function having existed in the shadow of the diplomatic function for centuries and that this produced an institutional inferiority complex. Indeed, the former British Consular Service has been described as ‘the Cinderella Service’,<sup>91</sup> and nineteenth-century consuls have been described as ‘the stepchildren of diplomacy’.<sup>92</sup> Many diplomats regarded consuls as belonging to an inferior class, and perhaps lacking in social skills. In the 1920s, a senior American diplomat remarked disdainfully, that ‘the best picture of a sweating man was a consul at a diplomatic dinner.’<sup>93</sup> As recently as 1996, the American Foreign Service Association reported ‘a widespread feeling among [American] career consular officers that they are “second best” or are disadvantaged in the Foreign Service hierarchy and personnel system.’<sup>94</sup> A glance at the different ‘catchment areas’ from which diplomats and consuls were once recruited lends weight to the allegations concerning earlier social divisions: diplomats often being drawn from the nobility and aristocracy, and consuls from more modest backgrounds. Nowadays, however, distinctions are more likely to be based on whether or not an individual is a university graduate. Yet even with current open and competitive recruitment policies there are residual traces of the former class distinctions; for example, ambassadors continue to be addressed as ‘Excellency’.<sup>95</sup>

It is undeniable, therefore, that over the centuries diplomats and consuls came from different backgrounds and co-existed on a parallel, two-tier basis, with little or no opportunities for career movement between them. However, I do not believe that this accounts for the relative shortfall in early consular archival material. In my view the paucity of material stems not from the socio-economic background of the consuls, some of whom were affluent merchants, but rather from the nature of their work—from the fact that the consular function was inextricably linked with trade and commerce.

Merchants and traders were pragmatists, generally less educated than diplomats, and were more interested in looking forward to future business transactions than in looking back to 'historical' documents and other records charting how they had arrived at their current position. They belonged to a world that, even until fairly recent times, tended to regard papers, records and documents as ephemera to be discarded after their original purpose had been served. Diplomats, on the other hand, were often personal representatives of their sovereigns and heads of state. As officials of royal households they were accustomed to the value and necessity of keeping archives. They set out on their missions carrying written documents such as instructions, draft treaties, briefing material, letters of credence, safe-conducts, and so on. Many of these found their way into archives, either in the sending State or the receiving State. There was a world based on precedents. This is especially true in the case of treaties. There was little point in signing a treaty and then discarding the document fairly soon afterwards, or in being unable to recall the terms of previous treaties. Also, many diplomats were men of letters and *auteurs manqués* who left written accounts of their embassies and travels. So it was by design rather than accident that there exists such a wealth of diplomatic archival material, from early times to the present day. The existence of consular documents began to improve from around 1400, by which time most of the consuls elected by local traders had been replaced by consuls sent out by states.<sup>96</sup> Consequently, reports and documents relating to their activities began to be deposited in state archives. Despite this, the subject of consular relations and consular representation has attracted relatively little interest among academic writers. Have they also fallen into the trap of regarding consuls as Cinderellas? There is considerable scope for further research.

### *Diplomat or consul?*

In this section of the study only a brief description will be given of the differences between diplomats and consuls. Later, we shall consider in more detail the different categories and classes of consuls and their responsibilities and functions. In broad terms, modern diplomats deal with political policy matters of an inter-state nature, take part in discussions with senior figures in the receiving State up to and including heads of state, and liaise with officials in ministries of foreign affairs. Modern consuls, also in broad terms, promote trade and commerce between their respective States, exercise a limited responsibility for crews of ships and aircraft registered in the State they represent, assist any of their nationals who may be experiencing difficulties

in certain defined situations when travelling in receiving States, and liaise with local government authorities. Also, present-day career consuls are full-time salaried officials of their governments, and are no longer permitted to engage in any other paid activities. While still retaining responsibilities for trade and commerce, they now spend a considerable amount of their time dealing with problems experienced by their nationals, particularly those travelling for holiday or leisure reasons. By contrast, in earlier times there were no passports and foreign travel was the preserve of the rich and privileged. Consuls no longer have extraterritorial judicial powers.

### *Early examples of consuls*

Differing claims have been advanced regarding the first appearance of consuls. Indeed, this is recognised in the preamble to the VCCR, which begins by recalling simply that ‘consular relations have been established between peoples since ancient times.’<sup>97</sup> Stuart points out that the ‘authorities have never been able to agree upon the exact date of the first consular establishment.’<sup>98</sup> Lee ascribes no date but says that ‘Consular institutions have had a longer and more varied history than permanent diplomatic missions.’<sup>99</sup> Mattingly states that consuls were the antecedents of resident ambassadors.<sup>100</sup> Kennedy goes further, saying that consuls predate permanent ambassadors by almost two millennia.<sup>101</sup> Satow traces the consular function to the sixth century BCE, pointing out that Egyptian rulers allowed Greek settlers to choose representatives from among their number to liaise between themselves and the local authority; this concession was also allowed by the ancient Greek city-states to foreigners living in Greece.<sup>102</sup>

In the third century BCE, the Romans established a similar arrangement to the Greek *proxenoi*, appointing an official known as the *praetor perigrinus* to carry out an adjudication role. Foreigners living in Rome were known as peregrines<sup>103</sup> and the praetor was one of the senior magistrates; hence *praetor perigrinus* was a magistrate with responsibilities relating to foreigners. The first usage of the word ‘consul’ is found in Roman times and denoted one of the two principal magistrates of the Roman Republic.<sup>104</sup> The Visigoths, who sacked Rome in 410 and established a kingdom in present-day Spain and Southern France that lasted until 711AD, set up what is claimed to have been ‘one of the most ancient examples of the jurisdiction accorded to consuls that a nation exercised over its nationals residing abroad.’<sup>105</sup> The title of consul was also



to be found in Provence, Languedoc, and several Italian cities in the year 1000, and in Pisa in 1081.<sup>106</sup> In Valencia in 1283, Peter IV of Aragon granted the local Guild of Navigators the privilege of electing Consuls of the Sea on an annual basis.<sup>107</sup> There is evidence that the title of consul was still in use in Barcelona in 1491, to denote a magistrate dealing with ‘the controversies of mariners and of merchants’.<sup>108</sup>

### *Italian city-states and the modern consular institution*

While there is disagreement among experts about the date of the first appearance of the modern consular institution, the overwhelming majority (but see below) agree that the honour goes to the Italian city-states, notably Venice with its impressive naval supremacy. Italian merchant ships sailed the entire length of the peninsula and criss-crossed the Mediterranean; many ports had small expatriate groups of merchants and traders. It was almost inevitable that some form of representation would be both necessary and desirable to oversee the interests of the Italian states in these ports. The resident merchants and traders therefore elected one of their number to liaise with the local authority and, in many cases, to act in jurisdictional matters among their own ranks. There were Pisan consuls in 1087,<sup>109</sup> and other Italian city-states had consuls in the Levant from 1196.<sup>110</sup> Amalfi sent a consul to Naples in 1190, in 1251 the Genoese obtained the right to have consuls in Seville,<sup>111</sup> and there were Venetian consuls in Naples from 1257.<sup>112</sup> Narbonne, a city in Southern France which was a former Roman provincial capital, sent a consul to represent its interests in Pisa in 1278.<sup>113</sup> Such was the importance and extent of Venetian commercial interests that in the thirteenth century it had more than thirty consuls, based in such diverse cities as Montpellier, Tunis, Alexandria, Cairo, and Damascus.<sup>114</sup> With an extensive network of consulates, and therefore listening posts, Venice could receive and obtain up to date political intelligence and commercial information on a systematic and regular basis. This is no doubt why Mattingly believed that ‘a case might be made for her [Venice] consuls having been the precursors of her resident ambassadors’.<sup>115</sup> Venice also had the distinction of being the first to have a consul in England, in 1410. His name is Andrea de Molino and he is listed officially as vice consul.<sup>116</sup> However, this was not England’s first contact with the Italian city-states. Their influence had been felt in England from as early as the twelfth century due to the activities and presence of several Florentine mercantile bankers, such as Frescobaldi, Mozi, and Spini. Between 1391 and 1400 there were numerous Florentine merchants based in England, and there is evidence that they

had 'some kind of a consulate' in London by the mid-1430s.<sup>117</sup> Genoese bankers played an unusual role in consular affairs. In 1454, after the fall of Constantinople, the Republic of Genoa gave up its colonies and accounts to the Bank of St George, which had been founded by the city of Genoa in 1148. In doing so, it gave the Bank the right to appoint consuls.<sup>118</sup>

### *Other claimants for recognition as first examples of the modern consular institution*

There are, however, several academic dissenters from the claim to primacy of the Italian city-states. Roberto Ago gives first place to the Greek *proxenoi*. In his view there 'are undeniable analogies between this institution and that of the consul in the modern international community.'<sup>119</sup> Satow believes that it was the Byzantine capital, Constantinople, which saw the first appearance of what would be regarded today as the consular institution. He notes that in the twelfth century, Byzantine officials had power to settle disagreements among Venetian merchants residing in the city.<sup>120</sup> Later, Venetian consuls were appointed to Constantinople in 1265 and took over this function.<sup>121</sup> Satow is supported in his view by Fauchille, who puts the timescale back a further century, to the eleventh century, and suggests that 'the Greek Emperor in Constantinople accorded the Venetians the right of sending magistrates to judge their citizens in both civil and criminal matters in 1060.'<sup>122</sup> Nussbaum traces a Levantine provenance, claiming that 'the capitulations are the origin of the consular institution.'<sup>123</sup> Capitulations were agreements between Christian countries and Moslem countries, usually non-reciprocal on the part of the Christian countries, which allowed the Christian consuls to exercise extraterritorial jurisdictional (both civil and criminal) and commercial powers over the nationals of their State. The capitulations also permitted Christians to practise their faith, an arrangement which came to be known as the *droit de chapelle*. Writing from a British perspective but no doubt echoing the sentiments of others, Strang regards the period of the capitulations as the 'golden age of the Consular Service'.<sup>124</sup>

### *Honorary consuls*

It was not uncommon under the capitulations to appoint nationals of the receiving State as consuls. For example, in 1422 the Catalans appointed Cosimo de' Medici as their consul in Pisa, and in 1485 Richard III appointed a Florentine merchant, Lorenzo Strozzi, as English consul in Pisa.<sup>125</sup> Strozzi's claim to fame is that his was the

first royal consular appointment; there had been, however, English consuls in Scandinavia since 1408 and in Italy since 1410.<sup>126</sup> Kark confirms this, pointing out that 'prominent local merchants began to serve as British consuls in the Mediterranean ... in the 15th century...'.<sup>127</sup> These views contrast sharply with Mattingly's claims that by 1400 'most of the *consuli electi* [consuls elected by the local merchants] had been replaced by *consuli missi* sent out by the state.'<sup>128</sup> There is evidence that *proxenoi* in the Greek city-states were appointed from among the nationals of the receiving State, rather than the sending State.<sup>129</sup> It would be reasonable, therefore, to argue that they were the forerunners of honorary consuls. However, their duties were more in the nature of acting as official hosts than as consuls; they did little of what would be described nowadays as consular functions.

### *Events beyond Italy*

In addition to those countries mentioned above, others had been involved in consular matters. China had tribunals of commerce in the eighth century, as did Arabs in the ninth century.<sup>130</sup> The Hanseatic League, a commercial association formed in the mid-fourteenth century of towns in Northern Germany, had consulates in almost one hundred cities in Northern and Western Europe between the thirteenth and sixteenth centuries, the main permanent ones being in London, Bruges, Bergen, and Novgorod.<sup>131</sup> In Antwerp, Portuguese merchants were the first to be granted special privileges by the city in 1511. They were permitted to choose consuls from among themselves annually, with powers to settle differences, levy taxes on goods bound for Portugal, represent the merchants to the city authorities and present the merchants' petitions to them. These privileges were eventually extended to *merchants of other nationalities*.<sup>132</sup>

Events were changing rapidly in international relations as trade began to follow the flag. Among the European powers, *France took the lead and was the first to sign a consular capitulation with the Ottoman Empire in 1535*.<sup>133</sup> Scotland had a number of resident representatives, called factors, in European ports, the first appointment, at Elsinore, dating from 1589.<sup>134</sup> During the seventeenth century the role of consuls was beginning to change from representatives of merchants and traders to representatives of states. For example, in Britain the appointment of consuls by the state dates from 1649, and in 1669 France established a regular consular service which, until 1793, functioned as a branch of the navy and came within the responsibility of the Ministry of Marine.<sup>135</sup>

The first Dutch consul in England was appointed in 1581 and in Scotland in 1594; by 1658, the Netherlands had an extensive network of consulates, which was formalised on 24 July of that year when the States General issued regulations governing the rights and duties of Dutch consuls.<sup>136</sup> Other European States began to establish consular agreements. Under the terms of the Treaty of Passarowitz (1717), Austria received an Ottoman consul in Vienna, and by 1752, when it appointed consuls in Europe for the first time, it already had consuls in the Levant.<sup>137</sup> In 1723, Russia sent her first consuls to Holland, Bordeaux, and Cadiz. The first consular post of the new American Republic was established in France in 1780, but the appointee, Lieutenant Colonel William Palfrey, was lost at sea while *en route*. The following year, Thomas Barclay took up the appointment.<sup>138</sup> At roughly the same period in the eighteenth century, consuls based in the provinces of the Ottoman Empire were allowed to employ *dragomans* (interpreters), and some governments began to employ them as consuls and vice consuls in these posts.

#### *Other usage of the title of consul*

It should be noted that at various times in history the title of consul was used to denote office holders of one kind or another. It was used in Roman times to denote a magistrate. It was also assumed by several early rulers, such as Theodoric the Great, the Ostrogoth king (r.454-526), Clovis I, King of the Franks (r.481-511), and, in the late tenth and eleventh centuries, the Angevin counts Geoffrey Grey mantle and his son Fulk Nerra.<sup>139</sup> Pope Gregory I (r.590-604) was described posthumously as the Consul of God.<sup>140</sup> The most recent and final use of the term occurred in France during the period of the Consulate, a polity which lasted from December 1799 to December 1804.

#### *Extraterritoriality and consuls*

Extraterritorial powers were an early feature of consular functions. In the ninth century, China had allowed Arabs to exercise such powers; in 1689 it had also signed the Treaty of Nerchinsk with Russia, allowing both countries limited extraterritoriality.<sup>141</sup> From the early sixteenth century, some European consuls (and ambassadors wearing consular hats) serving in the Ottoman Empire exercised extraterritorial powers via 'capitulations' negotiated between the sultan's ministers and the ambassadors. The sultan extended them at the height of his Empire's relative military power, prompted partly by contempt for the domestic habits of infidels. In the mid-nineteenth century,

Western powers imposed extraterritoriality on China by means of the 'unequal treaties'. However, the concession of extraterritoriality was not invariably a sign of weakness. For example, during the First World War an ammunition factory was established in Birtley, County Durham, staffed by more than 3,000 Belgians the majority of them soldiers declared unfit to return to active duties. A complete self-contained township, Elisabethville, was built to accommodate the men and their families. The soldiers were subject to Belgian military law, enforced by Belgian gendarmes.<sup>142</sup> During the Second World War, the British Government established Maritime Courts in which five allied governments-in-exile in Britain (Norway, Belgium, Greece, The Netherlands, and Poland) were permitted to try and to punish their nationals for offences committed on their countries' merchant ships. Similar powers were given to American Army courts to try American forces for crimes committed in Britain.<sup>143</sup> A contemporary and interesting example of extraterritoriality, with consular consequences, occurred on 18 September 1998 when the UK and Netherlands Governments signed an Agreement under whose terms Kamp Zeist, a former US airbase near Amsterdam, was deemed to be British territory to enable the trial to take place of two Libyan nationals who were alleged to have been responsible for the destruction of a transatlantic airliner over Lockerbie, in Scotland, in 1988. The court was a Scottish court and followed Scots law and procedure, and Scottish police forces and the Scottish Prison Service provided the police and prison officers responsible for security and the custody of the defendants. At the conclusion of the proceedings, one of the accused was found guilty and at the time of writing is serving his sentence in prison in Glasgow. As a consequence, Libya was permitted to establish an *ad hoc* consulate in Glasgow, its only one in the UK. Further details are given in the Consular Survey section of this study.<sup>144</sup>

### *Conclusion*

We have seen that the office of ambassador is one of the oldest forms of public office, that the aristocracy has ceased to hold sway in the chanceries, and that resident ambassadors have become an accepted feature of diplomatic relations. However, leading experts such as Mattingly, Lee, Satow, and Kennedy believe that the office of consul predates that of resident ambassador. Although the *ad hoc* embassies of the past are no longer sent, some of those functions of earlier diplomacy are nowadays performed by 'special representatives', 'roving ambassadors', and 'ambassadors at large'. Paradoxically, there has been a tendency in the last three decades for heads of

states and ministers of foreign affairs to bypass their ambassadors and once again to involve themselves directly in diplomatic matters, such as in peace negotiations, summit talks, and the like. There has also been an increase in the number of permanent representative missions to organisations that have flourished since the end of the Second World War. For example, the United Nations and its many specialised agencies, the North Atlantic Treaty Organisation, the European Union, the Organisation for Economic Cooperation and Development, the Council of Europe, and the Conference on Security and Cooperation in Europe. The effect of these developments—together with others such as globalisation, powerful multinational corporations, the immediacy of information technology—has altered the scope and influence of resident ambassadors and their staffs.

Nor has the consular institution been static. The activities and extent of consular services can be regarded as barometers of the importance of trade and commerce, particularly mercantile trade. Consequently, there was a rapid expansion of consular services in the late nineteenth and early twentieth centuries as the major powers, and most of the small European states, recognised the value of having consuls *in situ* to protect national interests and those of their citizens, to develop and encourage trade, and to deal with the problems that arose from having a large maritime presence. Part II of the study discusses the growth of consular services from the eighteenth century onwards seen from the perspective of developments and activities by foreign governments taking place in Britain.

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<sup>1</sup> Ragnor Numelin, *Native Contacts and Diplomacy: The History of Intertribal Relations in Australia and Oceania*, Helsinki, Commentationes Humanarum Litterarum, Societas Scientiarum Fennica, Vol. 41, No. 1, 1967, pp.70-71.

<sup>2</sup> Cited in Betty Behrens, 'The Office of the English Resident Ambassador: Its Evolution as Illustrated by the Career of Sir Thomas Spinelly', *Transactions of the Royal Historical Society*, Fourth Series, Vol. XVI, 1933, p.161.

<sup>3</sup> Serge A Korff, 'An Introduction to the History of International Law', *The American Journal of International Law*, Vol. 18, No. 2, April 1924, p.246.

<sup>4</sup> *Ibid.*, p.249.

<sup>5</sup> Manley O Hudson, and A H Feller, *Collection of Diplomatic and Consular Laws and Regulations*, New York, 1933, Vol. 1, p.91, cited in Graham H Stuart, *American Diplomatic and Consular Practice*, New York, Appleton-Century-Crofts, 1952, p.114.

<sup>6</sup> Geoffrey Berridge, 'Amarna Diplomacy: A Full-fledged Diplomatic System?', in Raymond Cohen and Raymond Westbrook, eds., *Amarna Diplomacy: The Beginnings of International Relations*, Baltimore and London, The Johns Hopkins University Press, 2000, p.224.

<sup>7</sup> Korff, op. cit., p.249.

<sup>8</sup> V Serguiev, 'Les documents de la diplomatie orientale', M Potiemkine, *Histoire de la Diplomatie*, Vol. 1, Paris, Librairie de Médicis, 1946, p.28.

<sup>9</sup> Korff, op. cit., p.252.

<sup>10</sup> Serguiev, op. cit., p.68.

<sup>11</sup> Arthur Nussbaum, *A Concise History of the Law of Nations*, New York, Macmillan, 1962, p.45.

<sup>12</sup> Judith Herrin, 'Constantinople, Rome and the Franks in the Seventh and Eighth Centuries'; J Shepard and S Franklin, eds., *Byzantine Diplomacy: Papers from the Twenty-fourth Spring Symposium of Byzantine Studies*, Aldershot, Variorum, 1992, pp.93-94.

<sup>13</sup> Telemachos C Lounghis, *Les ambassades byzantines en occident depuis la fondation des états barbares jusq'aux croisades 407-1096*, Athens, 1980, p.4.

<sup>14</sup> Evangelos Chryos, 'Byzantine Diplomacy, AD 300-800: means and ends', Shepard and Franklin, op. cit., pp.31-32.

<sup>15</sup> Afzal Iqbal, *Diplomacy in Islam: Essay on the Art of Negotiation as Conceived and Developed by the Prophet of Islam*, Second Edition, Lahore, Institute of Islamic Culture, 1965, p.83.

<sup>16</sup> W E D Allen, *The Poet and the Spae-Wife: An attempt to reconstruct al-Ghazal's embassy to the Vikings*, Dublin, Figgis & Co., 1960, pp.1, 12-13.

<sup>17</sup> Denis Wright, *The Persians Amongst the English: Episodes in Anglo-Persian History*, London, Tauris & Co., 1985, p.1.

<sup>18</sup> T W Rhys Davids, 'Correspondence', *Journal of the Royal Asiatic Society*, 1891, p.479.

<sup>19</sup> John K Fairbank, et al., *East Asia: Tradition and Transformation*, Revised Edition, Boston, Houghton Mifflin, 1989, p.195.

<sup>20</sup> Adriana Boscaro, *Sixteenth Century European Works on the First Japanese Mission to Europe: a Descriptive Bibliography*, Leiden, E J Brill, 1973, pp.ix-xiii.

<sup>21</sup> Betty Behrens, 'Origins of the Office of English Resident Ambassador in Rome', *The English Historical Review*, Vol. XLIX, 1934, p.641.

<sup>22</sup> Garrett Mattingly, *Renaissance Diplomacy*, New York, Dover Publications, 1988, p.56.

<sup>23</sup> Ibid., p.656; Letters and Papers, Foreign and Domestic, of the Reign of Henry VIII, Preserved in the Public Record Office, the British Museum, and Elsewhere in England. Vol. 1, 1509-14, London, Longman, Green, Longman, and Roberts, 1862, p.75. Bainbridge's appointment was cut short dramatically in July 1514 when he died of poisoning in Rome. His chamberlain, Raynaldus of Modena, confessed to administering the poison, allegedly at the request of the Bishop of Worcester. (Ibid., letter dated 14 July 1514 from Julius Cardinal de Medicis to Henry VIII, documents 5252 to 5254).

<sup>24</sup> Behrens, 'Origins of the English Resident Ambassador in Rome', pp.645, 652.

<sup>25</sup> Ibid., p.651.

<sup>26</sup> Mattingly, op. cit., p.10.

<sup>27</sup> Frederic C Lane, 'Venetian Merchant Galleys 1300-1334: Private and Communal Operation', *Speculum*, Vol. XXXVIII, No. 2, April 1963, pp.191-3.

<sup>28</sup> Clive Parry, ed., *British Digest of International Law*, Vol. 7, London, Stevens, 1965, p.711.

<sup>29</sup> Cuttino, op. cit., p.14. In 1654, a further treaty of peace, commerce, and alliance between Britain and Portugal gave British subjects in Portugal a privileged position legally, financially, and commercially. In many ways, their position in Portugal was similar to that later enjoyed by Westerners in the Treaty Ports of China between 1840 and 1940. (Descriptive List of the State Papers Portugal 1661-1780 in the Public Record Office, London, 3 Vols. Vol. 1 (1661-1723), Lisbon, 1979, p.9).

<sup>30</sup> Behrens, 'Origins of the English Resident Ambassador in Rome', p.646.

<sup>31</sup> Cuttino, op. cit., pp.109-110.

<sup>32</sup> Mattingly, op. cit., p.91.

<sup>33</sup> *Ibid.*, p.105.

<sup>34</sup> Gary M Bell, *A Handlist of British Diplomatic Representatives, 1509 to 1688*, London, Royal Historical Society Guides and Handbooks, No. 16, 1990, p.2.

<sup>35</sup> Niccolò Machiavelli, *The Prince*, Oxford World's Classics Paperback, 1998, p.xxiii.

<sup>36</sup> Mattingly, op. cit., p.59; Hamilton and Langhorne, op. cit., p.38.

<sup>37</sup> Sonia P Anderson, *An English Consul in Turkey: Paul Rycout at Smyrna, 1667-1678*, Oxford, Clarendon Press, 1989, p.25; A C Wood, 'The English Embassy at Constantinople, 1660-1762', *The English Historical Review*, Vol. XL, 1925, pp.533-539; D C M Platt, *The Cinderella Service: British Consuls since 1825*, Hamden, Archon Books, 1971, p.125.

<sup>38</sup> Calendar of State Papers and Manuscripts, Relating to English Affairs, existing in the Archives and Collections of Venice, and in other Libraries of Northern Italy, Vol. VIII, 1581-1591, London, HMSO, 1894, reports dated 3 February 1584 and 2 March 1584 by Giovanni Moro, Venetian Ambassador in Paris, documents 193 and 200 respectively.

<sup>39</sup> CSP Venice, Vol. III, report dated 8 May 1587 by Giovanni Dolfin, Venetian Ambassador in Paris, document 511; Vol. IX, 1592-1603, letter dated 26 June 1598 from Francesco Contarini, Venetian Ambassador in Paris, London, HMSO, 1897, document 702.

<sup>40</sup> E R Adair, *The Exterritoriality of Ambassadors in the Sixteenth and Seventeenth Centuries*, London, Longmans, Green & Co., 1929, p.166.

<sup>41</sup> John D Mackie, *A History of Scotland*, Revised Edition, London, Penguin, 1969, p.191.

<sup>42</sup> Calendar of State Papers. Domestic Series of the Reign of Edward VI, 1547-1553, Preserved in the Public Record Office, Revised Edition, London, HMSO, 1992, document 16.

<sup>43</sup> United Nations, *Treaty Series*, Vol. 500, p.95.

<sup>44</sup> Mattingly, op. cit., p.23.

<sup>45</sup> Mattingly, op. cit., pp.23-4. This form of *droit d'ambassade* continues, with local and regional authorities, interest groups, and companies establishing liaison offices in Brussels to lobby EU policymakers. Also, several American States, Canadian Provinces, and Australian States have representative offices in London to promote their interests.



<sup>46</sup> See, for example, Donald E Queller, *The Office of Ambassador in the Middle Ages*, Princeton, Princeton University Press, 1967, pp.47n144, 57n207, 64n21, 79, 80; John Ferguson, *English Diplomacy 1422-61*, Oxford, Clarendon Press, 1972, pp.148-9.

<sup>47</sup> Ferguson, op. cit., p.149.

<sup>48</sup> Ibid.

<sup>49</sup> Franz Wasner, 'Fifteenth-century Texts on the Ceremonial of the Papal "Legatus a latere"', *Traditio*, Vol. XIV, 1958, p.296.

<sup>50</sup> 'A Cardinal may be deputed by the Roman Pontiff to represent him in some solemn celebration or assembly of persons as a "Legatus a latere", that is, as his alter ego...'. *The Code of Canon Law*, The Canon Law Society Trust, London, Collins, 1983, Canon 358.

<sup>51</sup> Queller, op. cit., p.65.

<sup>52</sup> Queller, 'Thirteenth-Century Diplomatic Envoys: *Nuncii* and *Procuratores*', *Speculum*, Vol. XXXV, No. 4, 1960, pp.196-8.

<sup>53</sup> David M Walker, *The Oxford Companion to Law*, Oxford, Clarendon Press, 1980, pp.1004-5.

<sup>54</sup> Mattingly, op. cit., p.27.

<sup>55</sup> Cuttino, op. cit., p.85.

<sup>56</sup> Queller, *The Office of Ambassador in the Middle Ages*, Princeton, Princeton University Press, 1967, p.71.

<sup>57</sup> Ibid., p. 61; see also Mattingly, op cit., p.26.

<sup>58</sup> Amédée Outrey, 'Histoire et Principe de l'Administration Française des Affaires Étrangères', *Revue française de science politique*, Vol. III, No. 2, April-June, 1953, pp.298-300.

<sup>59</sup> Gore-Booth, op. cit., 1979, chapter 1.3.

<sup>60</sup> Paolo Selmi, 'L'inizio ed il primo sviluppo della diplomazia stabile della Repubblica di Venezia', unpublished thesis, Padua, 1960, p.5, cited in Queller, *Office of the Ambassador*, p.76, n102; Fausto Nicolini, 'Frammenti veneto-napoletani', estr. dal vol. *Studi di storia napoletana in onore di Michelangelo Schipa*, Napoli, 1926, pp.4-7, cited in Queller, *ibid.*, p.79.

<sup>61</sup> Queller, *Office of the Ambassador*, p.82.

<sup>62</sup> Cuttino, op cit., pp.96-99; Esther R Clifford, *A Knight of Great Renown: The Life and Times of Othon de Grandson*, Chicago, 1961, pp.208-209, 224-225, cited in Queller, *Office of the Ambassador*, p.79.

<sup>63</sup> Mattingly, op. cit., p.57.

<sup>64</sup> Queller, *Office of the Ambassador*, p.30.

<sup>65</sup> Mattingly, op. cit., pp.61-2.

<sup>66</sup> Cuttino, op. cit., p.19.

<sup>67</sup> Mattingly, op. cit., p.65. Mattingly died in 1962; it would have been interesting to have seen whether he supported Cuttino's view, published in 1985.

<sup>68</sup> Behrens, 'Origins of the English Resident Ambassador in Rome', p.640.

- <sup>69</sup> Hamilton and Langhorne, op. cit., p.34.
- <sup>70</sup> Nicolson, op. cit., p.30; Gore-Booth, op. cit., chapter 1.6.
- <sup>71</sup> Mattingly, op. cit., pp.72-3.
- <sup>72</sup> Ibid., p.83.
- <sup>73</sup> Vincent Ilardi, 'The First Permanent Embassy outside Italy: The Milanese Embassy at the French Court, 1464-1483', Malcolm R Thorp and Arthur J Slavin, eds., *Politics and Diplomacy in Early Modern Europe: Essays in Honor of De Lamar Jensen*, Sixteenth Century Studies, Vol. 27, Kirksville MO, 1994, pp.2-6.
- <sup>74</sup> Mattingly, op. cit., p.10; Behrens, 'Origins of the English Resident Ambassador in Rome', p.640; Ilardi, op. cit., pp.2-3.
- <sup>75</sup> Mattingly, op. cit., p.132; J E Neale, 'The Diplomatic Envoy', *History*, Vol. XIII, April 1928-January 1929, p.204; Nicolson, op. cit., p.30; CSP Venice, Vol. 1, Table 2, pp.cxxii-cxxiv; Vol.IX, 1592-1603, London, HMSO, 1897, p.vii.
- <sup>76</sup> Gore-Booth, op. cit., chapter 44.63; Mattingly, op. cit., p.132.
- <sup>77</sup> Mattingly, op. cit., p.76.
- <sup>78</sup> Ibid., pp.84-5.
- <sup>79</sup> Ibid.
- <sup>80</sup> Ibid., p.125.
- <sup>81</sup> Behrens, 'Origins of the Office of English Resident Ambassador in Rome', p.645 et seq.
- <sup>82</sup> Ibid., p.649.
- <sup>83</sup> Behrens, 'The Office of the English Resident Ambassador: Its Evolution as Illustrated by the Career of Sir Thomas Spinely, 1509-22', p.166; and, 'Origins of the English Resident Ambassador in Rome', p.641, n2; Mattingly, op. cit., pp.137-8.
- <sup>84</sup> Nicolson, op. cit., pp.30-31; Hamilton and Langhorne, op. cit., p.37.
- <sup>85</sup> Letters and Papers, Foreign and Domestic, of the Reign of Henry VIII, Preserved in the Public Record Office, the British Museum, and Elsewhere in England. Vol. 1, London, 1862, letter no. 1926, dated 3 November 1511.
- <sup>86</sup> S Bakhrouchine, and S Skazkine, 'La diplomatie au XVII<sup>e</sup> siècle', Potiemkine, op. cit., pp.200-201.
- <sup>87</sup> Mattingly, 'The First Resident Embassies: Medieval Italian Origins of Modern Diplomacy', *Speculum*, Vol. XII, Oct. 1937, No. 4, p.423.
- <sup>88</sup> Gore-Booth, op. cit., chapter 11.1.
- <sup>89</sup> L Oppenheim, *International Law: A Treatise*. Vol. 1 Peace, Second Edition, London, Longmans, Green, 1912, p. 444; Nicolson, op. cit., p.32.
- <sup>90</sup> United Nations, *Treaty Series*, Vol. 500, p.95, Article 14, paragraph 1. Prior to the Vienna Convention on Diplomatic Relations 1961 there had been moves to reduce the classes of heads of mission to two: ambassador and *chargé d'affaires*.
- <sup>91</sup> D C M Platt, *The Cinderella Service, British Consuls since 1825*, Hamden CT, Archon Books, 1971.

<sup>92</sup> Keith Hamilton and Richard Langhorne, *The Practice of Diplomacy: Its Evolution, Theory and Administration*, London, Routledge, 1995, p.117.

<sup>93</sup> Peter Bridges, 'Mr Carr goes to Prague', *Diplomacy & Statecraft*, Vol.8, No. 3, November 1987, p.188.

<sup>94</sup> A Consular Strategy for the Future. Policy Statement by the American Foreign Service Association, 17 October, 1996, p.5. [online] Available from <http://www.afsa.org/diplmcy/consularfull.html> [accessed on 16 June 1998].

<sup>95</sup> An interesting example of perceived differences between diplomats and consuls was expressed rather patronisingly and magisterially by a British diplomat in 1939, at a time when the British Diplomatic Service and Consular Service were separate services: 'In our report we have expressed the view that personality is necessary both in the Diplomatic and the Consular Service but that a higher standard is expected in the former. ... Though we should be far from suggesting that personality, "address", and *savoir-faire* are not of great importance in the Consular Service, it is in the Diplomatic Service that these rather intangible qualities are most essential. A diplomatic officer ... must be able to *deal as an equal* [my italics] with foreign colleagues. Cabinet Ministers. Prime Ministers and Heads of State; to hold his own with Sovereigns and other royalties and to fraternise with the governing class in no matter what country'. Private letter dated 20 January 1939 from Sir Hughe Knatchbull-Hugessen to Sir Alexander Cadogan, Foreign Office; quoted in full in: D C M Platt, op. cit., pp.240-2.

<sup>96</sup> Garrett Mattingly, 'The First Resident Embassies: Medieval Italian Origins of Modern Diplomacy', *Speculum*, Vol. XII, October 1937, No. 4, pp.425-6. There is, for example, a wealth of early consular material in the Calendars of State Papers relating to Venice and Milan.

<sup>97</sup> 596 UN Treaty Series 261.

<sup>98</sup> Graham H Stuart, *American Diplomatic and Consular Practice*, Second Edition, New York, Appleton, Century, Crofts, 1952, p 283.

<sup>99</sup> Luke T Lee, *Consular Law and Practice*, 2nd Edition, Oxford, Clarendon Press, 1991, p.3.

<sup>100</sup> Mattingly, *Renaissance Diplomacy*, pp.58-59.

<sup>101</sup> Charles S Kennedy, *The American Consul: A History of the United States Consular Service 1776-1914*, Westport, CT., Greenwood Press, 1990, p.1.

<sup>102</sup> Gore-Booth, op. cit., chapter 26.2.

<sup>103</sup> Stuart, op. cit., p.279.

<sup>104</sup> Ibid.

<sup>105</sup> J M Pardessus, *Collection des lois maritimes antérieures au XVIII<sup>e</sup> siècle*, Paris, 1828-1845, I, p.153, quoted in Stuart, op. cit., p.280.

<sup>106</sup> Ruth Kark, *American Consuls in the Holy Land 1832-1914*, Jerusalem, The Magnes Press, Hebrew University, 1994, p.41.

<sup>107</sup> Travers Twiss, ed., *Rerum Britannicarum Medii Aevi Scriptores, The Black Book of the Admiralty*, Vol. 4, London, 1876, pp.451-3.

<sup>108</sup> From a contemporary account written by Jerome Paul, the chaplain to Pope Alexander III. Twiss, op. cit., Vol. III, p.lviii.

<sup>109</sup> A Pawinski, *Zur Entstehungsgeschichte des Consulats in den Communen nord und mittel-italiens*, Göttingen, 1867, p.37. Quoted in Stuart, op. cit., p.283.

- <sup>110</sup> Harold Nicolson, *Diplomacy*, Third Edition, London, Oxford University Press, 1963, p.50.
- <sup>111</sup> Stuart, op. cit., p.285.
- <sup>112</sup> Queller, *The Office of Ambassador*, p.79.
- <sup>113</sup> Stuart, op. cit., p.284.
- <sup>114</sup> M Capello, 'Les Consulats et les Bailages de la République de Venise', in *Revue de droit international et législation comparée*, XXIX, p.173 (1897). Quoted in Stuart, op. cit., p.285.
- <sup>115</sup> Mattingly, *Renaissance Diplomacy*, p.59.
- <sup>116</sup> Clive Parry, ed., *British Digest of International Law*, Vol. 8, London, Stevens and Son, 1965, p.6; Calendar of State Papers and Manuscripts relating to English Affairs, existing in the archives and collections of Venice, and in other libraries of Northern Italy, Vol. I, 1202-1509, London, 1864, Table 3, p.cxxx.
- <sup>117</sup> Holmes, op. cit., p.204.
- <sup>118</sup> Jaroslav Zourek, *Le statut et les fonctions des consuls*, Académie de Droit International de La Haye: *Recueil des cours* 1962, Vol. II, Leyden, A W Sijthoff, 1963, p.377.
- <sup>119</sup> Roberto Ago, 'The First International Communities in the Mediterranean World', in *The British Year Book of International Law*, Vol. 53, 1982, p.213.
- <sup>120</sup> Gore-Booth, op. cit., chapter 26.2.
- <sup>121</sup> Stuart, op. cit., p.285.
- <sup>122</sup> Paul Fauchille, *Traité de droit international public*, Paris, 1921-1926, Vol. I, Pt. 3, p.112. Quoted in Stuart, op. cit., p.283.
- <sup>123</sup> Arthur Nussbaum, *A Concise History of the Law of Nations*, New York, Macmillan, 1962, p.57.
- <sup>124</sup> Lord Strang, *The Foreign Office*, 2nd impression, London, Allen and Unwin, 1955, p.132.
- <sup>125</sup> Nussbaum, op. cit., p.58; Stuart, op. cit., p.285.
- <sup>126</sup> Nussbaum, op. cit., p.319 n47; Stuart, op. cit., p.288.
- <sup>127</sup> Kark, op. cit., p.44.
- <sup>128</sup> Mattingly, 'The First Resident Embassies', p.425.
- <sup>129</sup> Hamilton and Langhorne, op. cit., pp.10-11.
- <sup>130</sup> Stuart, op. cit., p.280.
- <sup>131</sup> Ibid., p.283; these consulates were known as *kontore* (counters), Nussbaum, op. cit., p.34.
- <sup>132</sup> John Gilissen, *Le statut des étrangers en Belgique du XIII<sup>ème</sup> au XX<sup>ème</sup> siècle*, Recueil de la Société Jean Bodin, L'Etranger, 2<sup>ème</sup> partie, 1958, p.241; cited in Zourek, op. cit., p.376n22.
- <sup>133</sup> Ibid., p.286; Sinan Kuneralp, 'The Ministry of Foreign Affairs under the Ottoman Empire and the Turkish Republic', Zara Steiner, ed., *The Times Survey of Foreign Ministries of the World*, London, Times Books, 1982, p.495.

<sup>134</sup> T C Smout, 'Scottish Commercial Factors in the Baltic at the end of the Seventeenth Century', *The Scottish Historical Review*, Vol. 39, 1960, pp.122-23.

<sup>135</sup> In 1669, Louis XIV's Chief Minister Jean Baptiste Colbert took the decision to attach consuls to the Navy. Alfred Cobban, *A History of Modern France*, Vol. 1, 1715-1799, Third Edition, Harmondsworth, Penguin Books, 1963, p.32; Kark, op. cit., p.45; Paul Gordon Lauren, *Diplomats and Bureaucrats: The First Institutional Responses to Twentieth-Century Diplomacy in France and Germany*, Stanford, Hoover Institution Press, 1976, p.9.

<sup>136</sup> H J de Muij-Fleurke and S Plantinga, *Assistance Abroad: the [Dutch] Consular Service*, enclosed with letter dated 23 March 2000 to me from Mr Hein van der Hoeven, Ministry for Foreign Affairs, The Hague, Netherlands; C A Tamse, 'The Netherlands Consular Service and the Dutch Consular Reports of the Nineteenth and Twentieth Centuries', *Business History*, Vol. XXIII, No. 3, November 1981, p.271.

<sup>137</sup> Stuart, op. cit., p.286. The Ottoman consul sent to Vienna, Osman Aga, was recalled at the request of the Austrian government after he sought recognition as a diplomat, rather than as a consul; the privileges and immunities accorded to a diplomat were of a higher order than those accorded to a consul. Kunalp, op. cit., p.495.

<sup>138</sup> Kennedy, op. cit., p.9.

<sup>139</sup> Nussbaum, op. cit., p.46; Bernard S Bachrach, *Fulk Nerra, the Neo-Roman Consul, 987-1040: a Political Biography of the Angevin Count*, Berkeley, University of California Press, 1993, p.47.

<sup>140</sup> Jeffrey Richards, *Consul of God: the Life and Times of Gregory the Great*, London, Routledge & Kegan Paul, 1980, p.1.

<sup>141</sup> Harold S Quigley, 'Extraterritoriality in China', *American Journal of International Law*, Vol. 20, 1926, p.48.

<sup>142</sup> Joseph Schlesinger et al., *The Birtley Belgians*, Fifth Edition, Durham, 2003, (unpaginated).

<sup>143</sup> Philip Jessup, 'Norwegian Maritime Courts in England', in, *AJIL*, Vol. 36, 1942, pp.653-657.

<sup>144</sup> The case created legal history as it was 'the first time that any country has attempted to carry out a trial under its laws and procedures in a third country'. Transcript of press conference given on 5 April 1999 by Robin Cook, Secretary of State for Foreign and Commonwealth Affairs. [online] Available from <http://www.fco.gov.uk/news/newstext.asp?2214> [accessed 9 April 1999]; also FCO Press Notice dated 18 September 1998. [online] Available from <http://193.114.50.10/news/newstext.asp?1519> [accessed 9 April 1999].

## CHAPTER 2

### THE ORIGINS, CODIFICATION AND PROGRESSIVE DEVELOPMENT OF CONSULAR LAW

#### *Introduction*

The inter-governmental codification and progressive development of consular law is a vast, specialised subject in its own right. It is not, therefore, the intention of the present study to provide a detailed treatise on the subject, particularly as the researcher is not a lawyer. While the study is concerned primarily with consular representation and therefore consular law, the picture would be incomplete without a brief survey of diplomatic law. Consequently, this chapter begins with an overview of the historical antecedents of diplomatic law, and brings it up to the conclusion of the Vienna Convention on Diplomatic Relations in 1961 (hereafter referred to as VCDR). A similar historical approach is also taken with consular law. Thereafter, the study concentrates on developments that took place after the Second World War. It examines the roles of the United Nations and its International Law Commission (ILC) in preparing the draft articles that formed the basis of the Vienna Convention on Consular Relations 1963, which is the multilateral treaty universally accepted as the benchmark of current practice on the conduct of consular relations (hereafter referred to as VCCR). The proceedings of the UN Conference which drew up the Convention are considered. The chapter identifies draft articles that were rejected by the ILC; finally, it explores the success of the VCCR, asks whether it needs updating, and examines the lack of interest shown in the possibility of a joint consular and diplomatic convention.

The primary sources of information used in this chapter are the official records of the meetings of the ILC, the UN Sixth (Legal) Committee, and the UN General Assembly for the years 1955 to 1962, and the proceedings of the Vienna Conference in 1963. They are extensive, detailed and, in the case of the ILC, confusing; the confusion was also experienced by the ILC members (see later paragraph dealing with the ILC's 1961 session). Nevertheless, the records provide a detailed picture of the discussions,

agreements, and disagreements on the various articles as they progressed from their embryonic stage to the definitive version. Also, examination of the proceedings has revealed that a number of topics were rejected during the course of the ILC's deliberations. No mention of them elsewhere has been traced during the course of this study.

Codification of international law is defined by the ILC as 'the more precise formulation and systematization of rules of international law in fields where there already has been extensive State practice, precedent and doctrine'.<sup>1</sup> The term 'convention' occasionally leads to confusion: in international law, a convention is not a meeting or a conference but a treaty, and is often used for multilateral treaties 'of a law-making type'.<sup>2</sup> Throughout this study a convention should be regarded as denoting an international treaty. A further term that may lead to confusion is 'municipal law'. In international law this means the national or internal law of a state. It does not mean local civic law.

### **Diplomatic Law—Historical antecedents**

Personal inviolability of ambassadors and envoys and the issuance of safe-conducts have been recognised features of diplomacy and inter-state relations since earliest times. This arose in large part for pragmatic reasons. For example, it was of little use sending an envoy to convey a message, and expecting him to return with the reply, if his personal safety could not be guaranteed. Despite this practice, however, there are many instances of envoys being detained, molested, and sometimes killed. The following paragraphs trace the evolution of international law in the context of according special status to diplomats.

#### ***Pre-fifteenth century***

Europe is the birthplace of international diplomatic law as it is currently known and practised. Links can be traced to Greco-Roman times, but they are more akin to customs and practices governing the reception of envoys rather than laws dealing with their conduct and treatment. Arguably the most significant examples of formalised laws relating to diplomacy pre-fifteenth century are to be found not in Europe but in India and the Arab world. The study of Hindu and Islamic legal systems has been relatively neglected by western researchers and writers, possibly because of the difficulties of

language. The same might be said of the legal systems of other great non-European civilisations.

### *Fifteenth to seventeenth centuries*

In the fifteenth century, what mattered most was not the office of ambassador or envoy but whether or not the individual was carrying a safe-conduct. The safe-conduct was considered the guarantee of protection. If the dignity of the office had been regarded as paramount then the issuance of a safe-conduct would have been unnecessary.<sup>3</sup> By the time of the Middle Ages and the Italian Renaissance a number of treatises on diplomacy had been written, such as those by Bernard du Rosier in 1436 (*Short Treatise About Ambassadors*), Abraham de Wicquefort in 1680 (*L'Ambassadeur et ses fonctions*), and François de Callières in 1716 (*De la manière de négocier avec les souverains, de l'utilité des négociations, du choix des ambassadeurs et des envoyez, et des qualités nécessaires pour réussir dans ces emplois*). These were more in the nature of unofficial handbooks or guidance manuals on diplomatic practice and procedure, rather than examples of international legal practice. Some concentrated on the qualities of the ideal ambassador. Indeed one, by Juan Antonio de Vera, published in Seville in 1620 entitled *El Embajador*, was later translated as *Le parfait ambassadeur*.<sup>4</sup> The first serious attempt to produce a legal textbook was undertaken by Hugo Grotius, a Dutch jurist, who published his classic *De Jure Belli ac Pacis* in 1625. If this appears to be rather late in the day, it must be recalled that the political background up to this period did not necessitate the codification of international law. Up to the Middle Ages, territorial states did not exist; the only authentic state in Western Europe was the Church, at least in theory.<sup>5</sup> Christendom was an accepted and unified pan-European phenomenon in which princes or rulers, in addition to their local responsibilities, were also responsible for enforcing the *jus gentium*, or law of nations. The doctrine of personal inviolability of ambassadors as a concept was universally understood and practised and there was therefore little need for legal codification. Other matters could be left to canon law, whose 'international character is immediately striking'.<sup>6</sup> The turning point was the establishment of resident ambassadors as a permanent feature of the international political landscape. Hitherto, ambassadors were sent on *ad hoc* missions. It was a relatively straightforward matter, though not always successful, to provide *ad hoc* envoys with protection and immunity during their missions.



### *Eighteenth to nineteenth centuries*

In Britain, the first statute dealing with diplomatic privileges was the Diplomatic Privileges Act 1708. This was ‘An Act for preserving the privileges of Ambassadors and other publick Ministers of Foreign Princes and States’.<sup>7</sup> It was passed by an apologetic government, embarrassed by the arrest for debt of the Tsar’s ambassador in London, Andrew Artemonowitz Matueof, in 1707. The Act pointed out that his arrest was ‘contrary to the law of nations’. It stood the test of time until 1964 when it was repealed by the Diplomatic Privileges Act which gave legal force to the VCDR (see below).

At an international level, intergovernmental codification of international law to give legal expression to the practice of diplomacy proceeded very slowly. It was considered on a number of occasions in the past century and a half, beginning with the Congresses of Vienna (1815) and Aix-la-Chapelle (1818). While concerned principally with settling the territorial problems left by the Napoleonic Wars the Congresses also, as described in Chapter 1, agreed a *règlement* or classification which settled the question of rank and precedence among the powers. Other attempts by individuals and institutions followed; for example, Bluntschli in 1868, Fiore in 1890, and L’Institut de Droit International in 1895.

### *Early twentieth century*

Attempts to codify diplomatic law continued in the early part of the twentieth century; for example, Pessoa in 1911, Phillimore in 1926, the Havana Convention on Diplomatic Officers in 1928, and the Harvard Research Draft Convention on Diplomatic Privileges and Immunities in 1932. In 1924, the League of Nations set up the Committee of Experts for the Progressive Codification of International Law. However, neither the Committee nor the subsequent Codification Conference held at The Hague in 1930 produced anything of relevance to the field of diplomatic law. After the Second World War the UN, during its first session in 1947, established the Committee on the Progressive Development of International Law and its Codification. This Committee, in turn, recommended the establishment of an international law commission. On 21 November 1947 the UN General Assembly established the International Law Commission (ILC), which met for the first time on 12 April 1949. The ILC is considered in more detail below. At that meeting, two of the fourteen topics

selected for codification were Diplomatic Intercourse and Immunities and Consular Intercourse and Immunities.

### *The current situation*

On 5 December 1952 the UN General Assembly asked the ILC to undertake the codification of diplomatic intercourse and immunities, which it did in 1958, submitting a draft to the General Assembly. This was subsequently considered by the UN's Sixth (Legal) Committee. After further deliberation, the General Assembly decided to convene a conference of plenipotentiaries. The UN Conference on Diplomatic Intercourse and Immunities was held in Vienna from 2 March to 14 April 1961 to consider the ILC's final report on the subject. The Conference adopted and signed the VCDR on 18 April 1961, and the Convention and its two Optional Protocols (on acquisition of nationality and the compulsory settling of disputes) came into force on 24 April 1964. It is a measure of the pace of UN business that when the General Assembly asked the ILC on 5 December 1952 to codify this topic it was requested 'to treat it as a priority topic'.<sup>8</sup> The VCDR is now the accepted standard of international law on diplomatic relations. As this study is concerned chiefly with consular matters, it is not proposed to go into further detail on the VCDR.

## **Consular Law—Historical antecedents**

### *Seventh to eighteenth centuries*

As mentioned in Chapter 1, consular institutions are much more ancient than permanent, as distinct from *ad hoc*, diplomatic institutions. Despite this, consular law has developed slowly. An early example is the Code of the Visigoths, promulgated in Spain in 654AD, which provided that foreign merchants could settle differences among themselves using their own magistrates (*telonarii*) and their own law.<sup>9</sup> Another is the Lex Rhodia, not an original work but 'probably put together from earlier treatises and local customs somewhere between 600 and 800AD'.<sup>10</sup> In 1215, the Magna Carta, Clause XXX, gave foreign merchants the right to sojourn safely and trade in England 'quit from all evil tolls'; and, on a reciprocal basis, they were not to be disturbed even in case of war.<sup>11</sup> However, these were isolated examples, and might be considered more as *ad hoc* agreements rather than consular law proper. As consular work was concerned chiefly with trading and shipping, it is not surprising to find that the origins of consular law as we know it today are to be found in early collections of maritime law. These

contained codifications of contemporary laws, practices, and customs. The first is generally considered to be the *Amalfi Tables* which were produced in the eleventh century and is the first code that specifically covers the work of consuls.<sup>12</sup> Another was the *Jugemens d'Oléron* relating to practices on the Île d'Oléron, off the coast of La Rochelle. However, the best known and most widely-used was the *Consolato del Mare*, drawn up in Barcelona in the fourteenth century.<sup>13</sup> In the same period, the *Codes of Lübeck* and the *Maritime Law of Visby* were published for use by towns in the Hanseatic League.<sup>14</sup> In the mid-fifteenth century, capitulations, or concessions, were gained by states trading with the Sublime Porte and chiefs of the Moslem States.<sup>15</sup> Under these, extraterritorial rights were obtained by the foreign powers which enabled them to exercise jurisdiction over their nationals residing in and trading with these states. The rights were incorporated into legal texts used locally.

### *Nineteenth century*

Later, in the 1840s, similar concessions were wrested from China by most European countries and the United States. They continued until as recently as 1946 when China and France signed an Agreement on 28 February of that year.<sup>16</sup> Bluntschli and Fiore, whose works are mentioned in the previous section on diplomatic law, also touched on consular law in their works.<sup>17</sup>

Intragovernmental consular legislation was slow to develop, largely because it had become common for countries to rely on bilateral consular conventions or bilateral treaties with consular provisions. Many of these continue to exist. Up to 1876, for example, there were 140 treaties that related to the duties, powers, and privileges of consuls. Ten of these were in the seventeenth century, thirty-three in the eighteenth century, and ninety-four in the nineteenth century.<sup>18</sup> The first set of consular regulations was Colbert's *Ordonnance de la marine*, published in France in 1681.<sup>19</sup> These were drawn up for the guidance and conduct of French consuls. Similar regulations for most other countries appeared throughout the eighteenth and nineteenth centuries, and during the first half of the twentieth century. The first consular convention dealing with the status of consuls was the Convention of Pardi, signed between France and Spain on 13 March 1796.<sup>20</sup>

### *Early twentieth century*

As in the previous century, it was thanks mainly to private initiatives that interest in consular conventions was maintained in the early part of the twentieth century. In 1925, a draft convention with eleven articles relating to consuls was adopted by the American Institute of International Law; the following year, Dr Karl Strupp submitted to the thirty-fourth conference of the International Law Association a draft convention with two articles on consuls; in 1927, David Jayne Hill presented to the Institute of International Law a report dealing with, *inter alia*, consular immunities; and in 1928 Witold Wehr presented a draft multilateral consular convention to the thirty-fifth conference of the International Law Association.<sup>21</sup> Official governmental initiatives included an agreement on consular functions between Bolivia, Columbia, Ecuador, Peru, and Venezuela signed at Caracas on 18 July 1911;<sup>22</sup> and the Havana Convention on Consular Agents signed in 1928.<sup>23</sup> In 1926, the League of Nations drew up a list of topics that its Committee of Experts for the Progressive Codification of International Law considered desirable for codification. These did not include any consular topic. The list was examined further by a sub-committee, which decided that an international agreement on the legal status of consuls was desirable. Although the League endorsed the sub-committee's recommendation, it merely noted the matter in 1928 and took no further substantive action. Arguably the most important initiative pre-World War II was that undertaken by Harvard Law School. It had set up a research group to prepare draft conventions on the various topics that the League had considered were desirable for codification. Committees for each topic were established, and in 1932 the School published its drafts as *Research in International Law*. This included a draft convention on the legal position and functions of consuls.<sup>24</sup> However, no action was taken on the Harvard drafts although later they proved to be useful to the ILC.

### **The role of the United Nations in consular law**

From the outset, the newly-established UN took an interest in international law. In 1945, when its Charter was being drawn up, the governments participating in the deliberations were adamant that the UN should not be given legislative power to enact rules of international law that would be binding on member states. However, they agreed that the General Assembly should have powers of study and recommendation. This became incorporated in the Charter, which provides in article 13(1)) that: '1. The General Assembly shall initiate studies and make recommendations for the purpose of:

a. ...encouraging the progressive development of international law and its codification.<sup>25</sup> 'Consular intercourse and immunities'<sup>26</sup> was included among the fourteen topics drawn up by the ILC at its first meeting on 12 April 1949 as necessary or desirable for codification.<sup>27</sup> However, it was fourteen years before an internationally-agreed legal instrument was concluded. Study of the topic did not begin until 1955 when Jaroslav Zourek, the Czechoslovakian member of the ILC, was appointed Special Rapporteur.

### *The International Law Commission*

The ILC is a subsidiary organ of the UN General Assembly, to which it submits its reports. An informal arrangement has been established over the years whereby the General Assembly seeks the views of its Sixth (Legal) Committee on the reports and activities of the ILC. Sixth Committee membership comprises representatives of all member States. By contrast, ILC members are not representatives of their countries but, in theory, are appointed in their personal capacity as distinguished experts and practitioners in the field of international law.<sup>28</sup> Apart from academics, many are serving senior civil servants, ministry of foreign affairs legal advisers, and diplomats.<sup>29</sup> Consequently, it would be disingenuous to believe that all members attend meetings in a personal capacity.

The Codification Division of the UN's Office of Legal Affairs provides the ILC's secretariat.<sup>30</sup> The ILC tackles subjects in a methodical and slow manner which conforms to the following pattern: a special rapporteur is appointed for the particular topic, governments are requested to submit details of relevant national laws and other texts, and the special rapporteur prepares a report, usually in the form of draft articles with explanatory commentaries. This is discussed in minute detail by the Commission in plenary sessions, open to the public, and a record of their discussions appears in official minutes of proceedings. The resultant document is passed to the Commission's drafting committee, which meets in private without minutes being taken. The document is discussed further in plenary sessions before being submitted to the General Assembly (Sixth Committee) and to governments for their written views. Governments are given more than a year to study the drafts and to submit views. The special rapporteur studies these, together with any that may have arisen during consideration by the Sixth Committee, and submits a report to the Commission recommending appropriate

changes. The Commission's final draft is then submitted to the General Assembly with a recommendation on final action. This usually takes the form of recommending the draft to member states and convoking a conference to conclude a convention.<sup>31</sup>

The ILC's working pattern is spread over ten-week split sessions held in Geneva. As it meets for such short annual sessions and has more than one item on its agendas, it is inevitable that progress on a given topic can extend over many years. Against this it must be said that its performance is relatively impressive when one considers that members meet so infrequently and must fit the sessions into their other responsibilities. Additional responsibilities fall on the special rapporteurs who are obliged to research and prepare the initial, detailed and extensive drafts put before the Commission for discussion. Their work must take place outwith the sessions.

### *The ILC's draft convention on consular relations*

In 1955, the ILC began work on a draft consular convention and appointed Zourek as Special Rapporteur.<sup>32</sup> The following year, two meetings were devoted to the topic, at which Zourek submitted a list of questions on which he sought the opinions of members to enable him to begin drafting.<sup>33</sup> In 1957, he submitted the first of his reports, in which he outlined the history of the consular institution and set out thirty-nine draft articles for inclusion in a multilateral convention.<sup>34</sup> However, this was not discussed until June 1958, but even then the discussion centred only on draft article 1, dealing with the establishment of consular relations; there was no discussion on the remaining thirty-eight articles. In 1959, a more sustained effort was made to discuss the first report, but only seventeen articles were discussed.<sup>35</sup> The 1960 session attempted to speed up matters, devoting forty-five of its fifty-four meetings to the topic.<sup>36</sup> Zourek tabled his second report,<sup>37</sup> consisting of explanatory sections on consular immunity, the most favoured nation clause, and thirteen additional articles. At the end of the session, sixty-five articles were adopted and sent to governments for comments

It is worth drawing attention at this point to a significant feature that consistently dogged the consular convention from its inception until it was concluded in 1963: it worked in the constant shadow of the draft diplomatic convention. A number of ILC members, as well as some delegates at the conference, sought repeatedly to ensure that the consular draft mirrored the diplomatic draft wherever possible.<sup>38</sup>

In 1961, the pace of discussion on the draft convention quickened, with forty-two of the ILC's forty-eight meetings devoted to the topic. Confusion about the draft that had arisen in 1960 increased; by this time it had been amended on several occasions, additional articles had been inserted, articles had been moved within the draft, some had been incorporated in other articles, some had been re-numbered and some had been deleted. Matters reached such a point that Zourek felt obliged to prepare a detailed chart showing the correspondence between the numbers allocated to the articles in the final draft and those allocated to the articles in the various preliminary proposals and drafts.<sup>39</sup> He also submitted a third report, analysing the comments that had been submitted by governments on the draft sent to them in September 1960.<sup>40</sup> His task was further complicated by the fact that several articles dealt with matters similar to those in the diplomatic draft currently being discussed at the Vienna diplomatic conference while he was writing his report. He would have preferred to await the outcome of that conference before submitting the proposals in his report, but the ILC's session was due to begin two weeks after the conclusion of the diplomatic conference and his report had to be circulated beforehand.<sup>41</sup> Inevitably, therefore, his draft was subject to change in the light of this. After intensive and lengthy discussions, which included taking account of the views of governments, and attempting where possible to follow some of the wording in the diplomatic draft, a final consular draft, with seventy-one articles and commentaries, was adopted. It was forwarded to the General Assembly with the recommendation that an international conference be convened to discuss the draft and to conclude a convention.

Discussion in the Sixth Committee, to which the draft had been sent by the General Assembly, was relatively unexceptionable. The question of which states to invite to the Vienna Conference once more brought to the surface the two Chinas problem which had been raised during the VCDR. Soviet Bloc members and their allies wanted invitations to be sent to all states, whereas the United States and its allies wanted them to be sent only to UN member states. The Sixth Committee rejected the 'all States formula', and agreed unanimously that a conference should be convoked.<sup>42</sup> The ILC's 1961 annual report, the draft articles, the recommendation for convening a conference, and the Sixth Committee's endorsement thereof were then passed to the General Assembly for discussion. Once again, the question of sending conference

invitations to all states was raised. The recommendation to convene a conference in Vienna in 1963 was adopted by ninety votes to none, with two abstentions.<sup>43</sup> It was also decided that 'consular relations' should be included on the General Assembly's agenda for its seventeenth session in 1962 to allow further expressions and exchanges of views concerning the draft articles.<sup>44</sup> Member states were also requested to submit written comments on the draft articles by 1 July 1962 in time for them to be circulated to governments prior to the opening of the seventeenth session.<sup>45</sup>

When the seventeenth session of the General Assembly opened in September 1962, twenty-three written submissions on the draft articles had been received. Discussion at the Sixth Committee centred mainly on the draft resolution submitted by the UK which, *inter alia*, suggested that States intending to participate in the 1963 Conference should submit to the Secretary-General, by 10 February 1963 at the latest, any amendments which they might wish to propose to the draft articles. These would be circulated to governments in advance of the Conference. The purpose of the resolution was to facilitate initial negotiations and to avoid wasting time at the Conference. The UK resolution was adopted unanimously.<sup>46</sup> No new arguments were advanced during the remainder of the meeting, and the general consensus was that the draft articles as a whole were an excellent basis for discussion at the forthcoming conference.

On 18 December 1962, the plenary session of the General Assembly adopted unanimously without discussion a resolution requesting the Secretary-General to send all the relevant records and documents to the Conference, and invited participating States to submit by 10 February 1963 any proposed amendments in advance of the Conference.<sup>47</sup>

### **The United Nations Conference on Consular Relations, Vienna, 1963**

The UN Conference on Consular Relations was held in Vienna from 4 March to 22 April 1963. Ninety-five states were represented at the conference by 352 delegates and observers;<sup>48</sup> Austria had the largest delegation, with twenty-one members, and was more than twice as large as the combined delegations of the United States and the UK.<sup>49</sup> Clearly, this did not reflect Austria's consular interests but was doubtless a reflection of its host country responsibilities for the smooth running of the conference.<sup>50</sup>



The 1961 diplomatic conference had given former colonial countries and newly emerging countries the opportunity to take part in the revision and reshaping of practices which had remained largely unchanged since the Congress of Vienna (1815). However, the 1963 consular conference broke new ground in permitting these countries to play a major role not only in the codification of eclectic systems of legal procedures and practices, which were largely Eurocentric in origin, but also in formulating new procedures and practices. While there is no doubt that these countries participated fully and made successful contributions to the debates, the major powers kept firm control. This can be seen from an examination of the appointees to posts as officers of the conference and its committees.<sup>51</sup>

It soon became clear that the plenary meetings were running seriously behind schedule. At the beginning of the conference's final week, delegates meeting in plenary sessions still had to consider fifty articles prepared by the Drafting Committee, an optional protocol on acquisition of nationality, the conference's Final Act, and several resolutions. In order to clear this logjam the timetable was tightened up drastically during the remaining days of the conference.

### *The two Chinas question*

As had occurred during consideration by the ILC and the Sixth Committee,<sup>52</sup> the question of whether China should be represented by the People's Republic of China (PRC) or by the Republic of China (Taiwan) was raised once more at the conference. Immediately after the opening addresses, the Chairman of the Soviet Delegation<sup>53</sup> said that as the conference's aim was to produce a consular convention that would relate to all states 'the representatives of Chiang Kai-shek did not and could not represent the Chinese people. The only representatives of the Chinese people were those appointed by the Government of the People's Republic of China. Consequently, the presence of followers of Chiang Kai-shek at the conference was illegal'.<sup>54</sup> He also complained about the absence of the German Democratic Republic, the Democratic People's Republic of Korea, and the Democratic Republic of Vietnam. He was reminded that the General Assembly had decided under resolution 1685 (XVI), adopted by ninety votes to none, with two abstentions, that only States Members of the UN, States Members of the specialised agencies and States parties to the Statute of the International Court of Justice

were eligible to attend the conference. None of the states mentioned by the Soviet delegate matched those criteria.<sup>55</sup> The question resurfaced on two further occasions: when the conference in plenary session discussed the report of the Credentials Committee and when it discussed the final provisions of the draft convention prepared by the Drafting Committee. This included the terms under which the convention would be open for signature. These were: ‘The present Convention shall be open for signature by all States Members of the United Nations or of any of the specialized agents or Parties to the Statute of the International Court of Justice, and by any other State invited by the General Assembly of the United Nations to become a Party to the Convention,....’<sup>56</sup> Of course, this ruled out the PRC and the other unrecognised States. The earlier arguments were repeated.

The Conference ended on 22 April 1963 with the adoption of the Convention and its accompanying protocols.<sup>57</sup> The signed version consists of seventy-nine articles grouped into five chapters, plus two optional protocols (concerning the acquisition of nationality, and compulsory settlement of disputes), and three resolutions (on refugees; tribute to the ILC; and tribute to the Federal government and to the people of the Republic of Austria).<sup>58</sup> The Convention came into force on 19 March 1967, and as at January 2004, 165 of the 191 UN Member States were parties to it.

Subsequent political changes and upheavals, such as the collapse of the Soviet Union, the resultant emergence of the newly independent states, the reunification of Germany, and the increasing importance of globalisation, serve as reminders that in politics, as elsewhere, nothing is forever. They also cause us to reflect on other events and examine them more critically. Looking back at the Conference from a present-day perspective, one is struck by several points: (a) the impact of high politics on the discussions, (b) the sterility of the arguments put forward by the proponents and opponents of China’s membership, both sides merely repeating their immutable ideological mantras, and (c) the patent absurdity of refusing recognition to the regime which by the time of the conference had been the *de facto*, and arguably the *de jure*, government of the PRC for more than fourteen years. The distinction between *de facto* and *de jure* government is a problem that has long exercised international lawyers. ‘The terminology implies that a *de facto* government does not have the same legal basis as a

*de jure* government. But it is difficult to find any body of legal rules by which this legal basis can be determined'.<sup>59</sup>

### ***Rejected articles***

As has been mentioned, the draft articles were subjected to intense scrutiny and discussion throughout their various stages. However, what has not been mentioned, either here or in any publication that the researcher has traced, is that a number of the original draft articles were rejected by the ILC. It is not proposed to go into detail about them but simply to give a brief indication of their content.

Included in his first report in 1957, Zourek had proposed the following article: '*Article 12. Consular Relations with Unrecognised States and Governments.* The granting of an exequatur to a consular representative of an unrecognised State or Government, or a request for the issue of an exequatur to a Government or State not recognised by the State which appointed the consular representative, shall imply recognition of the State or Government concerned.' Discussion on it did not take place until 1959. Opinion on the desirability of such an article was sharply divided, and Zourek agreed reluctantly to withdraw it.<sup>60</sup>

In 1960, four articles concerning honorary consuls proposed by Zourek in his second report were rejected. The first was: '*Article 54. Honorary consuls.* For the purposes of the present articles the term "honorary consul" shall mean a consul, whether a national of the sending State or not, who does not receive any regular salary from the sending State and is authorised to engage in commerce or other gainful occupation in the receiving State.'<sup>61</sup> There was considerable discussion and disagreement on this proposal. The difficulties stemmed from the many different meanings that States attached to the term 'honorary consul'. For example, in Switzerland an honorary consul was defined as a person who did not receive remuneration; in Finland it meant a person appointed locally, though they could receive remuneration; in Peru it could not be a national of the receiving State; in others it meant persons who had gainful occupations in addition to their consular duties. Some countries did not appoint honorary consuls although they were willing to receive them. Several members suggested that the sole difference between career consuls and honorary consuls was that the former were members of the regular civil service of the sending State, the latter were not. Others

suggested that the definition should be that honorary consuls were so designated by the sending State and accepted as such by the receiving State. Because of these differences in interpretation, it was agreed to drop the article and to incorporate the latter suggestion in the definitions. By the time of its adoption in the VCCR (Article 1(2)) it had been reduced to: 'Consular officers are of two categories, namely career consular officers and honorary consular officers'.

The second article to be rejected in 1960 was: '*Article 55. Powers of honorary consuls.* 1. The powers of honorary consuls shall be determined by the sending State in accordance with international law. 2. The sending State shall inform the Government of the receiving State through the diplomatic or some other appropriate channel of the extent of the powers conferred upon the consuls in question.'<sup>62</sup> Opinions were sharply divided on the need for this article. Those who favoured its deletion felt that the article on functions adequately covered the powers of honorary consuls. Those who favoured its retention argued that honorary consuls undertook only some of these functions. In an attempt to retain his proposed article, Zourek submitted a revised draft. However, the opposition remained strong and the article was rejected.

The third article rejected in 1960 was: '*Article 58. Officials assimilated to honorary consuls.* The provisions of this chapter shall also apply mutatis mutandis to consular officials who, although officials of the sending State receiving a regular salary, are authorised by the laws of that State to engage in commerce or other gainful occupation in the receiving State.'<sup>63</sup> Zourek had drafted this article because he had discovered that some countries permitted their career consuls 'to engage in commerce or other gainful occupation in the receiving State'. He admitted that the instances he had found were few and dated back a considerable time. The general consensus in the ILC, however, was that a modern multilateral treaty should not perpetuate such an unusual and rarely-found practice. Not only was the proposed article rejected, but, as will be seen, the VCCR effectively ended this practice by stating that: 'Career consular officers shall not carry on for personal profit any professional or commercial activity in the receiving state'. [Article 57(1)]. The phrase 'for personal profit' is interesting and makes one wonder whether the provision would continue to apply if a career consular officer carried on professional or commercial activities, but not for personal profit, any profit being paid to a charitable organisation.

The final proposed article rejected in 1960 was: '*Article 60. Complete or partial acceptance.* 1. Ratifications of and accessions to the present articles may relate: (a) Either to all the articles (chapters I, II, III, and IV); (b) Or only to the provisions concerning consular intercourse in general and the privileges and immunities of career consuls...and to [the chapters on General Provisions and Final Clauses]. 2. The Contracting Parties may benefit by the ratifications or accessions of other Contracting Parties only in so far as they have themselves assumed the same obligations.'<sup>64</sup> Zourek explained that his purpose in drafting this article was to permit those States which neither sent nor received honorary consuls to opt out of the chapter which related to honorary consuls. He thought that such a provision would ensure greater acceptance by States. Surprise was expressed by some members that Zourek had re-introduced this proposal as there had been strong opposition to it in connection with other articles (not among those included in this study). Discussions had shown that the great majority of States appointed and received honorary consuls. The fact that a few did not do so was not a valid reason to permit selective ratification of the Convention. Reservations to conventions were undesirable and weakened their standing. Zourek reluctantly withdrew this article from the ILC's 1960 session on condition that it would be reconsidered in the light of comments by governments. In the event, there was no further consideration.

### *Success of the Vienna Convention*

The VCCR is widely regarded as one of the UN's most successful treaties. The ICJ regards both the consular and diplomatic conventions as being 'of cardinal importance for the maintenance of good relations between States in the interdependent world of today'.<sup>65</sup> Lee goes further, considering the VCCR as 'undoubtedly the single most important event in the entire history of the consular institution'.<sup>66</sup> Its conclusion marks the end of a long evolution from a set of maritime codes for a few Christian European regions to a multilateral treaty accepted by most States throughout the world. It has become the universally recognised benchmark against which the conduct of consular relations between countries is measured. Its terms describe a minimum basis, which may be further improved by means of bilateral treaties: provision for this is contained in Article 73. There is no provision for reducing the terms, at least not by those States that have ratified or otherwise agreed to it. The few States that have not

ratified or accepted it are free to use it as a guide and to select those provisions that they find acceptable. But they could conclude such a treaty only with another State that had not accepted the Vienna Convention. In practice, this is so limiting as to make it hardly worthwhile.

Given the success of the consular convention, it is ironic that at the ILC's 1956 session its Secretary, Liang Yuen-li, and several members were opposed to the idea of a general convention, favouring instead a set of model articles which States could use to draw up bilateral treaties. Liang forecast that a draft convention 'was unlikely to arouse very much interest'.<sup>67</sup> One of the Brazilian delegates to the Conference was also sceptical about the future of the Convention. Writing some eighteen months after the Conference he remarked: 'Under Article 77, the Vienna Convention on Consular Relations shall enter into force following the deposit of the twenty-second instrument of ratification of accession. One is therefore permitted to wonder about the possibilities of such a number being reached in a foreseeable future.'<sup>68</sup>

### *Does the Vienna Convention need updating?*

The VCCR has largely stood the test of time, thanks to its extensive coverage of the topic and also to the provision which enables it to be supplemented by bilateral treaties. Surprisingly, for reasons which are unclear, three years before the conclusion of the Vienna Convention the Council of Europe also began drafting a consular convention, restricted to its Member States. However, when the Vienna Convention was concluded in 1963, the Council decided to accept it: it could scarcely have done otherwise, as its member States were participants at the Vienna Conference. Undeterred, the Council then concentrated on drafting a convention on consular functions. The European Convention on Consular Functions was adopted in December 1967 but is not in force, due to an insufficient number of States ratifying it.<sup>69</sup> Its preamble notes that 'consular relations, privileges and immunities are dealt with in the Vienna Convention on Consular Relations'. While the European Consular Convention has not amended the VCCR, nor could it, it nevertheless reflects the Council of Europe's view that the VCCR did not go far enough regarding the question of consular functions. This is debatable, since Article 5(m) of the VCCR (the article dealing with consular functions) is a sweeping-up, catch-all provision, which allows for any other approved function not

listed in the article. The fact that the European Convention is not in force speaks for itself.

In 1990, Austria and Czechoslovakia attempted to add a protocol to the VCCR making the provisions on functions more specific. They felt that the VCCR concentrated on consular privileges and immunities while lacking detailed rules relating to functions. However after widespread consultation it became clear that the proposals did not enjoy widespread support by governments, and the Sixth Committee recommended that the General Assembly should simply take note of the Committee's Report on the matter. The Assembly did so at its plenary meeting on 25 November 1992.<sup>70</sup>

Although the VCCR has remained unaltered since its adoption, there are three areas which I suggest would benefit from updating. They relate to:

- Consular archives
- Gender specific language
- Communication and contact with nationals of the sending State

Consular archives are defined in Article 1(k) as 'all the papers, documents, correspondence, books, films, tapes and registers of the consular post, together with the ciphers and codes, the card-indexes and any article of furniture intended for their protection or safekeeping'. The definition is important because the term 'consular archives' is used in Article 33, which provides that: 'The consular archives and documents shall be inviolable at all times and wherever they may be'. The definition in Article 1(k) doubtless served the needs of the 1960s. It has not, however, kept pace with the enormous advances made since then in the fields of information technology and electronic communications. For example, if access were gained to a consulate's computerised databases it might be difficult, on the basis of the definition in Article 1(k), to argue that such information constituted 'consular archives' and was therefore inviolable. Similar difficulties could also arise in relation to information stored on floppy disks, zip disks, and CDs. At best, the 1963 definition reveals ambiguities which are open to different interpretations. The situation could be resolved by amending the definition on the lines of: '... tapes, registers, information stored electronically,

electromagnetically or acoustically including computerised data, computer disks, CDs, and electric typewriter ribbons of the consular post’.

The language used in the VCCR has also not kept pace with the times. It assumes throughout that all consular officers and nationals are male, which clearly is not the case. In this politically correct age no modern treaty or statute would be written in such gender-specific terms. The particular references in the VCCR could be amended very easily.

The right of consular communication and contact with nationals of the sending state has been the subject of much controversy in recent years, largely because of the failure of several states in the United States to observe the full terms of this section of the VCCR [Article 36(1)(b)]. Indeed, several countries have successfully initiated proceedings in the International Court of Justice against the United States alleging violations of this part of the Convention. The subject had generated lengthy discussions during both the ILC and Vienna Conference stages of the draft convention. Lee goes so far as to describe the discussions as ‘so tortuous as to threaten the successful conclusion of the Convention as a whole’.<sup>71</sup> It is a complex topic outwith the scope of this study. Suffice to state that the Article provides, inter alia, that: ‘if he so requests, the competent authorities of the receiving state shall, without delay, inform the consular post of the sending state if, within its consular district, a national of that state is arrested or committed to prison or to custody pending trial or is detained in any other manner’. The sub-paragraph concludes by stating that: ‘The said authorities shall inform the person concerned without delay of his rights under this sub-paragraph’. The latter requirement has been flagrantly disregarded by a number of states in the United States, several of which have executed condemned prisoners without informing them of their consular rights at the outset of their detention; two States (Arizona and Virginia) even ignored requests by the ICJ for a stay of execution while it considered formal appeals by Germany and Paraguay (the countries to which the detained nationals belonged), and many have ignored similar requests from the State Department.<sup>72</sup> At the time of writing there is a similar case before the ICJ brought by Mexico against the United States. Their actions illustrate the difficulty of observing an international treaty within a federal state, despite the fact that in the United States the Constitution declares treaties to be the ‘Law of the Land’, in other words they apply in all the states of the Union.<sup>73</sup> The State



Department has been acutely embarrassed by the action of several States and has repeatedly reminded them of their obligations, particularly as their attitude makes it difficult for the United States to insist on rigorous compliance to the VCCR by foreign governments with respect to US citizens abroad. The Department has also produced several very useful booklets to guide law enforcement officers and other officials when they are dealing with diplomatic and consular incidents.<sup>74</sup>

It is debatable whether notification of consular rights would have affected or altered the outcome of the trials in the United States and of the sentences imposed upon the detainees. However, such a blatant disregard for a multilateral treaty whose terms have been incorporated into the corpus of international law sends the wrong signal to the international community, particularly to some of the newer countries and to those in which a revolutionary régime may be in power. The successful conduct of consular and diplomatic relations is based on the principle of reciprocity. Therefore, it is in no one's interest to permit the flouting of the terms of Article 36(1)(b). Although the requirement to inform detainees of their consular rights is set out clearly enough, and in the United States it is the responsibility of the Federal Government to ensure its compliance by its States, the sub-paragraph could perhaps benefit from strengthening. This could be achieved by adding at the end of it something on the lines of: 'It is a fundamental principle that detained persons should be informed of their right of access to their consul. A member State which fails to observe this requirement throughout its territory not only defeats the intention and spirit of this Convention, which it has formally adopted, but also undermines its own ability to intervene on behalf of any of its nationals who may find themselves similarly treated by another State'. Whether or not this amendment would make recalcitrant US states comply remains a moot point, but it reinforces the message that residents of those states should not complain if they are similarly denied their rights when travelling or living abroad.

Amendments to the VCCR would not necessitate convening another international conference, but could be achieved by a member State tabling a resolution in the General Assembly to add a declaration or protocol to the Convention. In the case of multilateral treaties, a revision can usually be adopted by a two-thirds majority, unless otherwise indicated in the treaty. In the case of the VCCR there is no such contrary indication.

### *A joint diplomatic and consular convention?*

As has been mentioned, throughout all the deliberations on the VCCR there were frequent calls to keep it as closely in line with the diplomatic convention as possible. This begs the question, which seems rather obvious at this point in time, of why, if there are so many parallels between the two topics, no attempt was made to produce a single convention embracing both topics, perhaps in two sections. No reference to the possibility of having a joint convention has been discovered during this study. The closest suggestion to a joint initiative, though not a joint convention, is one that occurred when the ILC's Annual Report on its Eleventh Session was being discussed by the Sixth Committee in 1959. A proposal was put forward by several representatives to have a joint conference, but discussing separate draft conventions. The UN Legal Counsel admitted that this was feasible, but argued against it. He maintained that the diplomatic draft would be unnecessarily delayed by waiting for the consular draft to be finalised, and that there would be little difference in costs because a single conference would need larger delegations and require additional staff to service it.<sup>75</sup> The Canadian representative was unconvinced by this; in his view the additional cost in servicing a larger conference would still be less than the cost of servicing two small conferences.<sup>76</sup> Several representatives also took the view that there was no urgency in completing the diplomatic convention ahead of the consular one. However, the proposal was not adopted.<sup>77</sup>

A joint diplomatic and consular convention from the outset would have avoided a great deal of duplication of effort not only by the ILC but also by governments, since it was no doubt the same legal advisers in foreign ministries throughout the world who were commenting on both sets of draft conventions. Admittedly, a unified diplomatic and consular convention would have necessitated a single conference whose duration would have been longer than that of the two separate ones. Nevertheless, as has been pointed out, the costs would have been less. There would also have been economies of scale. However, it seems clear that the idea of a joint convention was never seriously contemplated because many members and representatives clung to the view that diplomatic law and consular law had different provenances and therefore must be compartmentalised. While the difference in provenances is undeniable, it was not a logical reason to avoid fusing the two topics in a single convention and thus mirroring

the fusion of diplomatic and consular services that had taken place by then in most countries. Finally, as an indicator of the resistance to the idea of a joint convention, it may be observed that although reading the official records of the ILC's consular deliberations does not and cannot capture the tones and nuances of speech of the participants, they convey the impression that some speakers were describing the diplomatic draft in terms that might have led a disinterested spectator to believe that it was being prepared by another, totally different body. The reality, of course, was that it was being drafted by the same members of the same Commission.

### *Conclusion*

This chapter has reviewed the subject of consular law, tracing its gradual evolution from a set of regional maritime codes to the almost universally accepted Vienna Convention on Consular Relations adopted in 1963. It has also highlighted the hitherto relatively unpublicised articles which were discussed and rejected during the course of the creation of the VCCR, and has posed the question of whether it needs updating. Finally, it considered whether given their many similarities the two Vienna conventions could have been produced as a composite diplomatic and consular convention.

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<sup>1</sup> Article 15 of the ILC Statute. *The Work of the International Law Commission*, Fifth Edition, New York, United Nations, 1996, p.153.

<sup>2</sup> Peter Malanczuk, ed., *Akehurst's Modern Introduction to International Law*, Seventh Edition, London, Routledge, 1997, p.36; and Lord Gore-Booth, ed., *Satow's Guide to Diplomatic Practice*, Fifth Edition, London, Longman, 1979, 29.17.

<sup>3</sup> John Ferguson, *English Diplomacy 1422-1461*, Oxford, Clarendon Press, 1972, p.164.

<sup>4</sup> Mattingly names de Vera as Juan Antonio. (Garrett Mattingly, *Renaissance Diplomacy*, New York, Dover Publications, 1988, p.181); Hamilton and Langhorne name him as Pedro. (Keith Hamilton and Richard Langhorne, *The Practice of Diplomacy: Its Evolution, Theory and Administration*, London, Routledge, p.70).

<sup>5</sup> Ferguson, op. cit., p.146.

<sup>6</sup> Mattingly, op. cit., p.19.

<sup>7</sup> Anne, c.12.

<sup>8</sup> United Nations, *The Work of the International Law Commission*, Fifth Edition, New York, 1996, p.52.

<sup>9</sup> Arthur Nussbaum, *A Concise History of the Law of Nations*, Revised Edition, New York, 1962, p.28; Jaroslav Zourek, 'Le statut et les fonctions des consuls', *Académie de droit international de La Haye: Recueil des cours*, 1962, Vol. II, Leyden, A W Sijthoff, 1963, p.373.

<sup>10</sup> Graham H Stuart, *American Diplomatic and Consular Practice*, Second Edition, New York, 1952, p.281.

<sup>11</sup> Nussbaum, *op. cit.*, p.28.

<sup>12</sup> Stuart, *op. cit.*, p.281. The claim to be the first consular code may possibly be challenged by *Ordinances and Custom of the Sea, published by the Consuls of the City of Trani*. This collection of maritime laws bears the date 1063. However, there are doubts about the accuracy of this date. Travers Twiss, ed., *The Black Book of the Admiralty*, Vol. 4, London, HMSO, 1876, pp.xv and xci. [Klaus Reprint 1965 in the series: *Rerum Britannicarum Medii Aevi Scriptores*].

<sup>13</sup> Over the centuries, Pisa and Marseilles have also been suggested as the source of the *Consolato del Mare*. The claim of Barcelona is thought to be strongest because of the existence of copies written in the Catalan dialect, and it is also mentioned in an ordinance of the magistrates of Barcelona in 1435. Twiss, *op. cit.*, pp.xxviii and xxxiv. A *Consolat de Mar* is also alleged to have been established in Perpignan in 1196. General Assembly, Sixteenth Session, Sixth Committee 1961, 711<sup>th</sup> Meeting, para.31.

<sup>14</sup> First Report by Jaroslav Zourek, Special Rapporteur, UN Document A/CN.4/108, p.74, paras.18-20. Hereafter referred to as *Zourek, First Report*.

<sup>15</sup> *Ibid.*, p.75, para.21.

<sup>16</sup> *Ibid.*, p.76, para.43.

<sup>17</sup> *Ibid.*, p.77, para.53.

<sup>18</sup> *Ibid.*, p.76, para.36.

<sup>19</sup> *Ibid.*, p.75, para.32.

<sup>20</sup> *Ibid.*, p.76, para.37.

<sup>21</sup> *Ibid.*, p.78, paras.56-59.

<sup>22</sup> *British and Foreign State Papers, 1914 (Part I)*, London, HMSO, 1917, Vol. CVII, pp.601-3.

<sup>23</sup> League of Nations, *Treaty Series*, Vol. CLV, 1934-1935, No. 3582. Although this Convention was signed by representatives of twenty American republics, it had been prepared by the Inter-American Commission of Jurists and not by a member country. Nevertheless, it may reasonably be regarded as an official initiative.

<sup>24</sup> Harvard Law School: *Draft Convention on the Legal Position and Functions of Consuls*, Cambridge, Mass., 1932; published in the *AJIL*, Vol. 26, 1932 (Supplement).

<sup>25</sup> *The Work of the International Law Commission*, *op. cit.*, p.4.

<sup>26</sup> In 1958, Sir Gerald Fitzmaurice, the ILC's British representative, remarked that he did not regard the word 'intercourse' used in the English text of the titles of the drafts on diplomatic and consular intercourse as 'a particularly happy choice'. He suggested that for the diplomatic draft the word 'relations' should be substituted, and for the consular one 'functions and immunities'. *Yearbook of the International Law Commission 1958*, Vol. I, Tenth Session, 469<sup>th</sup> meeting, para.38. [Hereafter referred to as YBILC]. His proposals were not accepted, but by the time the draft conventions reached their Vienna Conference stages the word 'intercourse' had been replaced in both by 'relations'.

<sup>27</sup> The ILC's first meeting was held at Lake Success, New York, from 12 April to 9 June 1949. It began amid confusion among members regarding the extent of their powers, and there were differences of opinion about how the ILC's statutes ought to be interpreted. Members found it difficult to decide whether the Commission was competent to proceed with codification work without having to submit

recommendations to the General Assembly and then await the latter's approval. After a vote, members decided that the Commission was competent to proceed without further action by the General Assembly. It was not an auspicious start. United Nations, *Report of the International Law Commission covering its First Session*, Official Records: Fourth Session, Supplement No. 10 (A/925), paras.9-12.

<sup>28</sup> Originally, the ILC comprised fifteen members. This was enlarged to 21 in 1956, 25 in 1961, and to its current 34 in 1981. *The Work of the International Law Commission*, op. cit., p.7. Members are not regarded as UN employees, so do not receive salaries. In 1996, they received a per diem allowance and an annual honorarium of US\$3,000. Wolfrum Rüger, ed., *United Nations: Law and Practice*, New, Revised English Edition, Vol. 1, Dordrecht/London/Boston, Martinus Nijhoff, 1995, p.707.

<sup>29</sup> During the period of the ILC's deliberations on consular matters, the British representative was Sir Gerald Fitzmaurice, Legal Adviser in the then Foreign Office. It is not uncommon for some members to move on to international judicial appointments, such as the International Court of Justice. Examples include Ricardo J Alfaro (Uruguay), Sir Hersch Lauterpacht (UK), Fitzmaurice—appointed to the ICJ and subsequently to the European Court of Human Rights, Jaroslav Zourek—on an *ad hoc* basis—(Czechoslovakia). Another member, Boutros Boutros-Ghali (Egypt), was appointed Secretary-General of the UN.

<sup>30</sup> Liang Yuen-li (the Secretary of the ILC) and the UN's Office of Legal Affairs both came in for criticism by Soviet Bloc representatives at the 1960 session of the Sixth Committee. The Czechoslovak representative, Cernik, criticised him for having approached Harvard Law School regarding a revision of the latter's 1929 draft Convention on State Responsibility. The approach was 'incompatible with his position as an international official'. (General Assembly, Fifteenth Session, Sixth Committee 1960, 656<sup>th</sup> meeting, para.35). The Soviet representative, Morozov, complained about the composition of the Office of Legal Affairs, maintaining that 'three quarters of them [the lawyers] were nationals of the United States and its allies'. (Ibid., 651<sup>st</sup> meeting, para.6). Of course, these attacks took place at the height of the Cold War, and Liang was not from the PRC.

<sup>31</sup> *The Work of the International Law Commission*, op. cit., pp.14-15.

<sup>32</sup> *YBILC 1955*, Vol. I, 327<sup>th</sup> Meeting, paras. 52-87, and 328<sup>th</sup> Meeting, paras 40-44.

<sup>33</sup> *YBILC 1956*, Vol. I, 373<sup>rd</sup> and 374<sup>th</sup> Meetings.

<sup>34</sup> *Zourek, First Report*.

<sup>35</sup> *YBILC 1959*, Vol. II, p. 110, para.29.

<sup>36</sup> Although the afternoon discussions continued directly from those in the morning they are officially listed and numbered as separate meetings.

<sup>37</sup> UN Document A/CN.4/131.

<sup>38</sup> At a meeting of the Sixth Committee in 1959, the UK representative, Sir Gerald Fitzmaurice, in discussing the consular and diplomatic drafts described the latter as 'the parent topic'. General Assembly, Fourteenth Session, Sixth Committee 1959, 638<sup>th</sup> meeting, para.21

<sup>39</sup> *YBILC1961*, Vol. II, Annex II. During the present study, examination of the records of the ILC's protracted and labyrinthine discussions was a confusing and bewildering experience. Confusion has also been expressed by others. For example, regarding the Drafting Committee's practice of not taking minutes of their discussions, one writer has remarked: 'In practice ... it [the Drafting Committee] is often forced to assume a role as arbitrator in cases where the plenary debate is unable to arrive at a mutually acceptable solution. Important phases of drafting work thus remain undocumented. The quantum leap from the special rapporteur's draft to the finished product presented to the Commission can be considerable, sometimes verging on inexplicable'. Christian Tomuschat, 'ILC—International Law Commission', Rüger, op. cit., p.708.

<sup>40</sup> UN Document A/CN.4/137. Nine governments submitted comments in time for inclusion in Zourek's report (Czechoslovakia, Denmark, Finland, Guatemala, Norway, Philippines, Sweden, the USSR, and Yugoslavia). A further ten governments sent comments that reached the Commission during the course of its 1961 session (Belgium, Chile, China, Indonesia, Japan, Netherlands, Poland, Spain, Switzerland, and the United States). The comments of all nineteen governments are set out in *YBILC 1961*, Vol. II, Annex I.

<sup>41</sup> His report was dated 13 April 1961, the day before the Diplomatic Conference closed.

<sup>42</sup> UN, General Assembly, *Official Records*, Sixteenth Session, Sixth Committee, 712<sup>th</sup> Meeting, paras.20-22.

<sup>43</sup> *Ibid.*, 1081<sup>st</sup> Meeting, para.45.

<sup>44</sup> General Assembly resolution 1685 (XVI), para.11.

<sup>45</sup> *Ibid.*, para 2.

<sup>46</sup> UN, General Assembly, *Official Records*, Seventeenth Session, Sixth Committee, 775<sup>th</sup> Meeting, para.44.

<sup>47</sup> General Assembly, Seventeenth Session, Plenary Meetings, 1196<sup>th</sup> Meeting, para 17.

<sup>48</sup> Statistics in this paragraph have been calculated by the researcher from the official list of delegations to the Conference. UN, *Official Records of the United Nations Conference on Consular Relations, Vienna, 4 March – 22 April 1963*, Vol. I, pp.xv-xxv, UN Document A/CONF.25/16.

<sup>49</sup> The Austrian Delegation included Kurt Waldheim, whose subsequent appointments included UN Secretary-General and President of Austria.

<sup>50</sup> For example, the chairman of the Austrian delegation, Stephan Verosta, was also president of the conference, and several members of his delegation were from government departments with no direct interest or involvement in consular matters, such as Communications and Electricity, and Finance.

<sup>51</sup> As has been mentioned, the Conference President was Austrian. He was assisted by eighteen vice-presidents, of whom five were representatives of the permanent members of the UN Security Council (UK, United States, France, USSR, China). Of the other thirteen, only four were representatives of former colonies (Algeria, Ceylon, Indonesia, Upper Volta). The First and Second Committees each had five office bearers; none represented a former colony or a permanent member of the Security Council. However, these committees reported to the influential Drafting Committee, which had twelve office bearers; five of these represented the permanent members of the Security Council, only two represented former colonies (Ghana, India). The Credentials Committee had ten office bearers, of whom two were representatives of permanent members of the Security Council (USSR and USA); three represented former colonies (Guinea, Indonesia, Nigeria). Therefore, at all significant stages of the discussions there were sufficient checks and balances to ensure that there would be little likelihood of the interests of the permanent members of the Security Council and the non-colonial countries being seriously affected or threatened by the former colonies.

<sup>52</sup> See, for example, *YBILC 1959*, Vol. I, 479<sup>th</sup> meeting, paras.11-15. The two Chinas question had dogged the ILC since 1950, when the Soviet delegate, Vladimir M Koretsky, walked out of the first meeting of the session. He never returned, and there was no Soviet member until 1952. Luke T Lee, 'The International Law Commission Re-examined', *AJIL*, Vol. 59, 1965, pp.547-8.

<sup>53</sup> Victor Avilov, Ambassador to Austria.

<sup>54</sup> *Official Records, Vienna*, Vol. I, First Plenary meeting, para 18, UN Document A/CONF. 25/16.

<sup>55</sup> *Ibid.*, paras.21 and 42.

<sup>56</sup> *Official Records, Vienna*, Vol. II, Text prepared by the Drafting Committee, p.162, Article 73, UN Document A/CONF.25/16/Add.1. In the signed version of the Convention the article is re-numbered as 74, UN Document A/CONF.25/13, 23 April 1963.

<sup>57</sup> Most Arab countries added reservations or declarations to the Convention stating that their accession, approval, or ratification did not signify recognition of Israel and would not lead to entry into relations with it. Some strengthened their existing non-recognition by referring to Israel within quotation marks.

<sup>58</sup> Unlike the VCDR, the VCCR has chapters, sections, and titles indicating the subjects to which they refer. This layout, which was rejected for the Diplomatic Convention, is more convenient from a reader's point of view.

<sup>59</sup> *Official Records, Vienna*, Vol. II, Text prepared by the Drafting Committee, p.88.

<sup>60</sup> *Zourek, First Report*, p.91. See discussions in *YBILC 1959*, 511<sup>th</sup>, 513<sup>th</sup>, 523<sup>rd</sup> (para.67), and 525<sup>th</sup> (para.11) Meetings.

<sup>61</sup> *Zourek, Second Report*, p.39. See discussions in *YBILC 1960*, 549<sup>th</sup>, 550<sup>th</sup>, and 570<sup>th</sup> Meetings.

<sup>62</sup> *Ibid.* See discussions in *YBILC 1960*, 550<sup>th</sup>, 551<sup>st</sup>, and 564<sup>th</sup> Meetings.

<sup>63</sup> *Ibid.* See discussions in *YBILC 1960*, 559<sup>th</sup> and 560<sup>th</sup> Meetings.

<sup>64</sup> *Ibid.*, p.40. See discussions in *YBILC 1960*, 563<sup>rd</sup> Meeting.

<sup>65</sup> United States Diplomatic and Consular Staff in Tehran, Judgement, *ICJ Reports 1980*, p.3, para.91.

<sup>66</sup> Lee, *Consular Law and Practice*, p.26.

<sup>67</sup> *YBILC 1956*, 373<sup>rd</sup> Meeting, para.35. See also, paras.36-38.

<sup>68</sup> Geraldo Eulalio do Nascimento e Silva, 'The Vienna Conference on Consular Relations', *International and Comparative Law Quarterly*, Vol. 13, 1964, p.1228.

<sup>69</sup> Lee, *Consular Law and Practice*, pp.120-121; B G Ramcharan, *The International Law Commission: Its Approach to the Codification and Progressive Development of International Law*, The Hague, Martinus Nijhoff, 1977, pp.182-183.

<sup>70</sup> UN General Assembly. A/45/141, annex, 1990; A/47/327, 30 July 1992; A/47/327/Add.1, 21 August 1992; A/C.6/47/L.7, 29 October 1992; A/RES/47/36, 73<sup>rd</sup> plenary meeting, 25 November 1992.

<sup>71</sup> Lee, *Consular Law and Practice*, p.138.

<sup>72</sup> The State Department eventually issued an apology to Paraguay acknowledging clear violation of the VCCR in the Angel Breard case. The ICJ found that the United States had breached its obligations to Germany and to the LaGrand brothers (the two condemned and executed German nationals). The literature on these and similar cases is vast; see, for example, William J Aceves, 'Murphy v. Netherland. 116 F.3d 97', *AJIL*, January 1998, Vol.92, No.1, pp.87-91; Marian Nash, 'Contemporary Practice of the United States Relating to International Law', *AJIL*, April 1998, Vol.92, No.2, pp.243-5; William J Aceves, 'Application of the Vienna Convention on Consular Relations, Paraguay v. United States', *AJIL*, July 1998, Vol.92, No.3, pp.517-523; William J Aceves, 'Case Concerning the Vienna Convention on Consular Relations', *AJIL*, October 1999, Vol.93, No.4, pp.924-928; International Court of Justice, Application of the Vienna Convention on Consular Relations, Paraguay v. the United States of America, Provisional Measures, Order of 9 April 1998; Application of the Vienna Convention on Consular Relations, Germany v. the United States of America, Provisional Measures, Order of 3 March 1999. The ICJ decisions are available from <http://www.icj-cij.org>

<sup>73</sup> 'The Supremacy Clause of the US Constitution declares treaties to be "the Law of the Land". Article VI, clause 2. The Supremacy Clause provides: This Constitution, and the Laws of the United States which

shall be made in Pursuance thereof; and all Treaties made, or shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution of Laws of any State to the Contrary notwithstanding.’ Mark J Kadish, ‘Article 36 of the Vienna Convention on Consular Relations: A Search for the Right to Consul’, *Michigan Journal of International Law*, Vol. 18, 1997, p.588. Commenting on the Breard case in Virginia, Louis Henkin, Professor of International Law, Columbia University Law School, stated: ‘ ... It needs reminding—apparently—that the Statute of the International Court of Justice is a treaty of the United States. It apparently needs reminding that it is the responsibility of the President to take care that the Constitution and Laws, and Treaties, of the United States are faithfully executed. It apparently needs reminding, even after two hundred years, that treaties of the United States are supreme law of the land, and are binding on the states by express provision in the US Constitution. ... If the states need reminding, the federal Executive has the duty to remind. And if reminding is not enough, the executive branch has the duty to compel, and to seek the assistance of the courts, where necessary. ... To many it will appear that “the United States” flouted an Order of the International Court of Justice. To some it will appear that the Governor of Virginia flouted the authority of the United States.’ Louis Henkin, ‘Provisional Measures, US Treaty Obligations, and the States’, *AJIL*, October 1998, Vol. 92, No. 4, p.683.

<sup>74</sup> *Consular Notification and Access. Instructions for Federal, State, and Local Law Enforcement and Other Officials Regarding Foreign Nationals in the United States and the Rights of Consular Officials to Assist Them*, United States, Department of State Publication 10518, Washington DC, January 1998; *Diplomatic and Consular Immunity, Guidance for Law Enforcement and Judicial Authorities*, Department of State Publication 10524 Washington DC, Revised May 1998. The State Department has also produced a useful pocket-sized Consular Notification and Access Card which summarises for law enforcement officials the basic consular notification procedures to follow upon the arrest of a foreign national.

<sup>75</sup> General Assembly, Fourteenth Session, Sixth Committee 1959, 633rd Meeting, para.4.

<sup>76</sup> *Ibid.*, 638<sup>th</sup> Meeting, para.15.

<sup>77</sup> *Ibid.*, para.40.



## CHAPTER 3

### CONSULAR REPRESENTATION IN THE UNITED KINGDOM, 1700-2000

#### THE GROWTH AND DECLINE OF THE CONSULAR PRESENCE

##### *Introduction*

In the previous Part we have seen how the office of consul originated and developed from earliest times. This chapter sets the scene for the modern age, ranging over three centuries. It presents brief histories of the consular presence of most countries that have established consulates in Britain at some time during the period in question. The statistics come from many sources, such as almanacs, trade directories, correspondence with ministries of foreign affairs and various other organisations and individuals, and archival research. A large number are taken from a second, extensive computerised relational database that I have created from long out-of-print copies of *The Foreign Office List and Diplomatic and Consular Year Book* (hereafter referred to as FOLDCYB). The database spans the period from 1859 to 1965, the last date of publication, and contains more than nineteen thousand individual records.<sup>1</sup> Unless otherwise indicated, current numbers reflect the situation in spring 2003.

A history of the growth and gradual decline of consular representation in Britain during the last three centuries is also a barometer of geo-political change during that period. It was a period that saw the emergence of the concept of the nation state and the heyday and eventual demise of empires; it was also a time of wars in Europe and of resultant upheavals along political fault lines, when frontiers were drawn and re-drawn. All this was mirrored in consular representation. The history of the consular institution during this time is necessarily almost wholly Eurocentric. The European version reigned supreme. It was translated to other parts of the world by the imperialist powers, notably Britain, France, Germany, Portugal, and Spain all of whose power and influence spread across the globe. A 'notable wave of European expansionism' began in 1763, increasing

exponentially over the following two centuries. In 1800, in terms of the earth's land surface, Europe and its possessions claimed title to some fifty-five percent, with effective control of slightly less than thirty-five percent. From then until 1878, European rule increased to sixty-seven percent, rising to a record high of eighty-five percent by the outbreak of the First World War in 1914.<sup>2</sup> Thereafter, it began to decline, particularly after the Second World War. By then, the European consular model was firmly established. No former colony changed it on gaining independence. It is noticeable, moreover, that during the drafting of the VCCR in 1963 some of the strongest contributions came from former colonies such as Brazil, India, Paraguay, and Uruguay.<sup>3</sup> This reflects the view advanced by Edward Said that: 'Partly because of empire, all cultures are involved in one another; none is single and pure, all are hybrid, heterogeneous, extraordinarily differentiated, and unmonolithic.'<sup>4</sup> Events do not progress in neat, seamless time frames from one century to the next but are influenced, directly or indirectly, by what has gone before. In this chapter, therefore, occasional reference will be made to events that on a strictly chronological interpretation fall within the ambit of Parts I and III of the study. It begins with a general survey of consular representation in Britain and continues with information about individual countries. Country entries are introduced by short background descriptions of significant events in their history which help explain the pattern of their consular representation in Britain. It is important to note throughout that countries generally had a diplomatic presence in London before they established a consular one, there or elsewhere in the country.<sup>5</sup>

### *General survey of consular representation in Britain*

By 1783, the nucleus of a consular corps began to appear in London with consuls representing five countries (Denmark, Hanse Towns, Prussia, Russia, and Sweden).<sup>6</sup> In 1799, ten countries<sup>7</sup> had consular representatives there, three of whom were consuls general (Genoa, Portugal, and The Two Sicilies). By 1815, the consular presence in London and throughout Britain had increased considerably, with twelve states having consulates in London (nine of them with consuls general) and twenty-nine consulates (of which twenty-five represented The Netherlands) elsewhere in Britain.<sup>8</sup> Numbers continued to increase both in London and throughout the country. For example, in 1827, six countries were represented in Sunderland; in 1838, seven in

Aberdeen and fourteen in Hull; and in 1839, thirteen countries were represented in Newcastle.<sup>9</sup>

The mid-nineteenth century saw the increase in numbers of consulates continue. Thirty-one countries were represented in London in 1853, nineteen of them by consuls general,<sup>10</sup> and there was scarcely a port of any size, from the smallest harbour to the largest docks, that did not have a consulate or vice consulate. By 1859, there were 1037 consulates throughout the country. Of these, the largest concentrations were in England (639), Scotland (134), and Ireland (105).<sup>11</sup>

In 1931, a survey of seventy-four countries showed that Britain admitted the highest number of consular officers (1,605), and also sent the highest number (1,075). The next two countries were France (admitted 1,566, sent 851) and the United States (admitted 1,435, sent 890).<sup>12</sup> However, these figures should be treated with considerable caution since, for example, the figures compiled by this researcher from FOLDCYBs show that in 1932 Britain admitted 1,041 consular officers.

In 1852, the first edition of the FOLDCYB was published, but it gave details only of diplomatic missions in London. It was not until 1859 that it began to incorporate information about consuls in Britain, such as their names, locations, countries represented, and occasionally the date of their exequatur. The publication continued annually until 1965 when it was superseded by the Diplomatic Service List. Unfortunately, the Diplomatic Service List does not contain information about consuls in Britain, and there are no official published statistics relating to any aspect of consular activity after this date. Table 1 has been compiled from FOLDCYBs, showing at mainly ten yearly intervals the overall numbers of consulates, consular officers, and countries represented from 1859 until 1965.<sup>13</sup>

**Table 1**  
**Consulates, consular officers, and countries represented 1859-1965**

	<i>Consulates</i>	<i>Consular officers</i>	<i>Countries represented</i>
<b>1859</b>	1037	1082	55
<b>1862</b>	1075	1117	53
<b>1872</b>	971	1041	39
<b>1882</b>	1005	1089	40
<b>1892</b>	1088	1189	43
<b>1902</b>	1065	1176	43
<b>1912</b>	1096	1206	46
<b>1922</b>	964	1101	47
<b>1932</b>	924	1041	55
<b>1942</b>	603	725	45
<b>1952</b>	617	791	52
<b>1962</b>	602	775	54
<b>1965</b>	609	794	61

Source: compiled from Foreign Office Lists & Diplomatic and Consular Year Books.  
 Includes Ireland, up to 1922.

Although the FOL & DCYBs were first published in 1852, details of consulates did not appear until the 1859 edition. The last edition was published in 1965.

In this Table, the figures for consular officers represent heads of posts and their subordinate consular staff, for example vice consuls, chancelliers, and *élèves consuls*; they do not include clerical and secretarial support staff because these figures are not available. The Table gives a clear indication of the decrease in both numbers of consulates and consular officers in a period of a little over a hundred years. Numbers of consulates have fallen by forty-one percent and of consular officers by twenty-seven percent. The number of countries with consulates increased only slightly. The large decrease in numbers between 1862 and 1872 is due mainly to the creation of the German Empire in 1871 (see below). In 1862, sixteen German states accounted for two hundred and fifty-five consulates. In 1871, the German Empire consolidated and greatly reduced its consular network in Britain to sixty-three consulates.<sup>14</sup> Several other countries increased their networks, notably Belgium, Denmark, and the United States. The large decreases between 1912 and 1922 and between 1932 and 1942 are due to the outbreaks of the First and Second World Wars; wartime conditions and their effect on consular representation are discussed later.

Unfortunately there are no official published statistics beyond 1965. The only non-official statistics available are those calculated by this researcher for the purpose of

conducting the Consular Survey (see Part III). These show that in the year 2000, there were just over four hundred consulates, both career and honorary. If we take four hundred as the figure, this shows that in a little over a hundred and forty years, the number of consulates has fallen by sixty-one percent, thus confirming that the pre-1965 trend for closing posts has continued.

It is interesting to note the distributional data for consulates. Table 2 shows these in respect of the constituent regions of the UK for the period from 1859 to 1965. As with Table 1, there are no official published figures after 1965. Nor is it possible to estimate these with any degree of certainty.

**Table 2**  
**Regional network of consulates 1859-1965**

	<i>England</i>	<i>Scotland</i>	<i>Wales</i>	<i>Northern Ireland</i>	<i>Channel Islands</i>	<i>Isle of Man</i>	<i>Ireland</i>	<i>Total UK/GB</i>
<b>1859</b>	639	134	93	37	28	1	105	1037
<b>1862</b>	657	149	96	35	29	1	108	1075
<b>1872</b>	570	143	86	43	24	1	104	971
<b>1882</b>	582	170	90	43	23	1	96	1005
<b>1892</b>	629	198	101	42	24	1	93	1088
<b>1902</b>	615	196	108	44	20	1	81	1065
<b>1912</b>	667	200	102	37	18	1	71	1096
<b>1922</b>	594	169	91	32	14	1	63	964
<b>1932</b>	594	191	89	35	14	1	—	924
<b>1942</b>	385	131	56	23	7	1	—	603
<b>1952</b>	402	128	56	20	10	1	—	617
<b>1962</b>	393	120	49	24	15	1	—	602
<b>1965</b>	401	119	50	22	16	1	—	609

Source: compiled from Foreign Office Lists & Diplomatic & Consular Year Books.

Includes Ireland up to 1922.

Although the FOL & DCYBs were first published in 1852, details of consulates did not appear until the 1859 edition. The last edition was published in 1965.

For England and Scotland, and the overall total for Britain, 1912 was the peak year for numbers of consulates. Other regions peaked in earlier years. The large decrease between 1862 and 1872 has been explained in the discussion of Table 1. Similarly, the large decreases between 1912 and 1922 and between 1932 and 1942 are due to wartime conditions. Regional distributions reflect their geographical size, with England and Scotland having the largest numbers. However, given its size, it is perhaps surprising that Ireland (part of Britain until 1922) had such large numbers between the

years 1859 and 1872. In keeping with the trend already discussed, all regions (except the Isle of Man) had fewer consulates by 1965. The smallest decrease was in Scotland, which over the period had an eleven percent reduction; the largest reduction was in Wales which had a forty-six percent decrease.

As shown in the chapter on the origins of the offices of ambassador and consul, in mediaeval times it was common for city-states and cities to send consular representatives and this pattern persisted well into the modern era with the German kingdoms, grand duchies, duchies, principalities, and free cities. Italian states were not as numerous but several had consulates in Britain, including, the Two Sicilies (between at least 1797 and 1853),<sup>15</sup> Genoa (between at least 1799 and 1805),<sup>16</sup> Parma and Tuscany in 1859<sup>17</sup> and Sardinia (between at least 1827 and 1853).<sup>18</sup> This analysis reflects geo-political changes that have taken place, both in Europe and in other parts of the world. Among those that had consulates in Britain were the Sandwich Islands/Hawaiian Islands (between at least 1862 and 1900),<sup>19</sup> Texas (1847),<sup>20</sup> Montenegro (1912-1915),<sup>21</sup> Monte Video (1853),<sup>22</sup> the Orange Free State (between 1882 and 1892),<sup>23</sup> and Servia.<sup>24</sup>

As well as geo-political changes there were changes in attitudes to appointing female consuls. These changes came rather late, but they reflected the prevailing attitudes to employing women in most professions. The first female consular officer in Britain traced by this study is Oswalda Chalmers, who in 1922 was Brazilian Consular Agent in Leith—an honorary appointment. Further progress in appointing women remained slow; by 1932 Chile had two (in Glasgow and London), and by 1939 there were still only two: Inés Ortúzar Bulnes, Chilean Consul in Glasgow, and Zorayma de Almeida Rodrigues, Brazilian Consul in Liverpool. It is interesting to note that up to that date, female consuls were appointed solely by Latin American countries, which might have been regarded as stereotypically *machismo*. By 1947, there were five female consuls (USA: three in London; China: one in London; and France: one in Leeds). The peak appears to have been reached in 1962, when there were thirty-three female career and honorary consuls representing four percent of the total.<sup>25</sup> Almost forty years later, in 2000, of those consuls participating in this study's Consular Survey the comparable number in relative terms was only thirty-one, although this represented fifteen percent of the Survey's total. As has been noted elsewhere in this study, there are currently

about four hundred consulates (career and honorary) in the UK and there are unlikely to be significantly more female consuls than those who participated in the Consular Survey. In which case, the overall proportion of female consuls is unlikely to have changed significantly from the 1962 figure mentioned above. Reasons for the continuing slow progress in appointing female consuls are discussed in Part III.

It should also be noted that foreign representation is not confined to diplomatic missions and their consulates or, indeed, to nation states. There is also significant sub-national representation. Several federal governments have representative offices in Britain; for example a number of American States, Australian States, and Canadian Provinces.<sup>26</sup> Added to these are trade, cultural, and tourist offices which promote the affairs of their respective countries, and political and commercial lobbyists who promote particular interests or products.

Using the major geographical regions of the world as a framework, the remainder of this chapter is devoted to discussion of the pattern, extent, and chronology of consular representation established in the UK from 1700 onwards.

### *European states*

Although there are isolated references to consuls (generally in London) in year books and almanacs, such as *The Royal Kalendar* and trade directories, no definitive official figures exist which show the total number and locations of consulates in Britain throughout the centuries. The situation is not much better today (see Chapter 9). However, there is no doubt that the Dutch were the first to establish a systematic network of consulates in Britain, starting with Joachim Ortel in 1581, although there is no information about where he was based, apart from the fact that it was not London.<sup>27</sup> Shortly thereafter, Dutch consulates were established in Edinburgh (1594), Dover (1635), Isle of Wight (1636), Plymouth (1636), London (1648), Cork (1649), Deal (1691), Falmouth (1691), and Portsmouth (1691). Many of the consuls were Dutch subjects, but a number were British.<sup>28</sup>

In most cases, certainly in respect of European nations, once a consular presence was established in Britain it has continued, sometimes intermittently, to the present day but not necessarily in the town in which the country's first consulate was established.

*Austria*

The origins of present-day Austria can be traced back to the Holy Roman Empire which lasted until 1804 when the Emperor Francis II assumed the title of Francis I, Emperor of Austria.<sup>29</sup> In 1867, the Austro-Hungarian Dual Monarchy was established, lasting until the end of the First World War when the Republic of Austria was proclaimed in November 1918.<sup>30</sup> There were three occasions from the early nineteenth century onwards when relations between Britain and Austria, in its various manifestations, were severed or suspended. The first was between 1809 and 1814,<sup>31</sup> and the second in August 1914 extended throughout the First World War.<sup>32</sup> The third, and final, break began in March 1938 when following the *Anschluss* (annexation) of Austria by Germany; it ceased to exist as an independent state until 1955 when the allied occupying powers withdrew.<sup>33</sup> It is hardly surprising that Austria's consular relations with Britain have been fairly uneven. In 1807, the German Legation and Consulate in London, which had previously been listed as 'Germany-Hungary', and its Minister and Consul (in post since at least 1797 and 1783 respectively) changed to the Austrian Legation and Consulate.<sup>34</sup> The build up of a consular network was slow, but steady; by 1855, it included consulates in London, Birmingham, Cardiff, Dublin, Gloucester, Hull, Liverpool, Lowestoft, North Shields, and Portsmouth. Four years later, in 1859, there were twenty.<sup>35</sup> A peak of thirty-two consulates was reached in 1892, remaining virtually unchanged until the outbreak of the First World War and the severance of relations with Britain.<sup>36</sup> The post-war reconstruction of the network was slow, and by 1925 there were only eight consuls—all of whom were appointed that year.<sup>37</sup> By 1933, there were eleven, but the *Anschluss* in 1938 brought an abrupt cessation.<sup>38</sup> Although, as mentioned above, Austria's independence was not fully restored until 1955 it was permitted to re-open consulates a few years earlier. This is a good example of a distinctive form of recognition, illustrating that consular relations are different from diplomatic relations and can exist before or even in the absence of full diplomatic recognition of a sovereign state.<sup>39</sup> The first of the pre-recognition consulates was Manchester, opened in 1949, followed by Birmingham (1952), Edinburgh (1954), Jersey and London (both 1955). These five were still in place in 1965, but since then numbers have reduced and in 2003 only Birmingham and Edinburgh remained.<sup>40</sup>



*Baltic States*

After having been provinces of the Russian Empire for many years, the Baltic States of Estonia, Latvia, and Lithuania regained their independence in 1918, in the aftermath of the 1917 Russian Revolution; all were quickly recognised by the UK. However, this new freedom lasted just over two decades, and in 1940 they were occupied by the USSR and became Soviet Socialist Republics. Although British diplomatic missions in the three states were withdrawn in September 1940, the UK allowed Baltic diplomats in London to retain their properties and their diplomatic status and privileges for their lifetime, but on a personal basis. They did not, of course, represent their countries as these were then under Soviet rule. Existing Baltic States consulates were allowed to continue functioning. The UK never recognised the *de jure* incorporation of the Baltic States into the Soviet Union.<sup>41</sup> After the collapse of the Soviet Union in 1991 the UK, along with all other EU Member States, recognised the restoration of the independence of the three countries in August 1991.<sup>42</sup> (See also Central Asia.)

By 1922, Estonia had seven consulates in Britain, six of them in Scotland. Numbers increased gradually, reaching a peak of twenty by 1932, again with the majority in Scotland, a pattern which continued until at least 1939, but fell away during the Second World War. It has not been possible to establish the reason for this concentration in Scotland but it was probably a result of long-established trading links. There were large numbers of Lithuanian (and Russian) miners working in the coalfields of Lanarkshire (whose dependants were left practically destitute when the men were drafted into the Russian army in 1917)<sup>43</sup> and it is possible that there may also have been Estonians. The number of Estonian consulates reduced to twelve by 1952 and nine by 1965.<sup>44</sup> In 2003, there was an honorary consulate in Cheltenham. Latvia had four consulates by 1922, none of them in Scotland. It consolidated its presence both rapidly and extensively and by 1932 there were thirty-nine consulates throughout the country, nine of them in Scotland. Numbers remained fairly constant, even throughout the War years, and by 1965 it was still thirty-six.<sup>45</sup> After that last date on which official figures are available, it is not possible to ascertain the pattern of the eventual decline, which in 2003 stood at one honorary consulate in Abergavenny. Lithuania's consular appearance was later than the other two Baltic countries: its first consul was appointed to Glasgow in December 1930, followed two months later by an appointment in London. Its

presence was modest by comparison with the others and remained at two until at least the late 1940s. By 1952, there remained only the Glasgow consulate.<sup>46</sup> In 2003, Lithuania had honorary consulates in Ballymena, Penarth, and Rushwick.

### *Belgium*

For many years, various powers such as Burgundy, Spain, Austria, France, and the Netherlands ruled Belgium. The country was part of the Netherlands from 1815 until 1830 when a National Congress proclaimed its independence. The following year, a constitutional monarchy was established headed by Prince Leopold of Saxe-Coburg who was proclaimed King Leopold I. Belgium's separation from the Netherlands was guaranteed by the Treaty of London 1839 which also recognised its neutrality and inviolability.<sup>47</sup>

Leopold I, or at least his advisers, was keenly aware of the value of consuls because within days of his becoming King he signed two decrees in July 1831 nominating two consuls, one in Liverpool and the other in Messina. Two years later, there were thirty-seven consulates established in various countries.<sup>48</sup> Interestingly, unlike other countries, Belgium's first consulate was established not in London but in Liverpool, one of Britain's busiest seaports. The build-up continued and in 1844 Belgian consulates were to be found throughout the country in ports such as Aberdeen, Hull, Lerwick, and Milford Haven.<sup>49</sup> Numbers continued to increase rapidly and by 1862 there were fifty consulates throughout Britain.<sup>50</sup> A peak of sixty-two consulates was reached six years later, in 1868. It is difficult to state categorically that a deliberate strategy drove the build-up of Belgium's extensive consular network. However, it may have reflected a determination by a recently independent country to get alongside the major European players and a decision to bolster a growing export trade with Britain by ensuring that a supporting consular infrastructure was in place. Among European countries, only France, Germany, and Holland exceeded Belgium's exports to Britain in 1868.<sup>51</sup> After 1868, the size of the consular network began to decrease gradually, and by 1900 reached forty-six. Even the cold, official statistics convey a determination by Belgium to ensure that it maintained a strong consular presence. For example on a single day, 9 August 1888, thirteen consuls were appointed.<sup>52</sup> Remarkably, the number of consulates remained in the high to low forties for almost half a century, but by 1952

they had fallen to thirty-nine.<sup>53</sup> By 1965, numbers were down to thirty-three and continued to fall dramatically, to twelve in 1998 and eleven in 2003.<sup>54</sup>

### *Cyprus*

Britain annexed Cyprus in 1914; in 1925 the island became a British colony and gained its independence in 1960, joining the British Commonwealth the following year.<sup>55</sup> It might seem surprising, given its size, that in 2003 it should have as many as six consulates. Most of its representatives are described as honorary commissioners (Birmingham, Bristol, Leeds, Manchester, and St Helier), but its representative in Glasgow is described as honorary vice consul.

### *Finland*

Finland was part of Sweden from 1154 to 1809, when it became an autonomous Grand Duchy within Russia. It declared its independence in December 1917, a few weeks after the Russian Revolution. It was recognised by Britain on 6 May 1919 and established a diplomatic mission in London. Also in 1919, it set up consulates throughout Britain.<sup>56</sup> The first of these were in Hull, Liverpool, and Newcastle.<sup>57</sup> The following year, it set up forty consulates with a further two in 1921 bringing the total by that year to forty-five.<sup>58</sup> In 1922, numbers peaked at forty-seven consulates, a level maintained fairly consistently until 1941. However, during that year Finland joined the German attack on the USSR; this led to the UK declaring war on Finland on 7 December 1941 and consequently breaking off diplomatic relations. These were restored in autumn 1947,<sup>59</sup> and the consular network gradually re-formed, but by 1952 it reached only twenty-three consulates, exactly half the 1941 level. Numbers increased slowly and by 1965 there were twenty-nine consulates, with twenty-six in 2003.<sup>60</sup> Finland's Honorary Consul General in London before and after the First World War, a Scots businessman named Henry McGrady Bell, had two unusual claims to fame: after the War he had been Acting British Chargé d'Affaires in Helsinki from August 1918 to August 1919, and later was Finland's first and last honorary consul general in Britain, based in the embassy.<sup>61</sup>

### *France*

We have seen earlier that the French consular service was part of the Navy until 1793 when responsibility was transferred to the Ministry of Foreign Affairs. France had

a thriving consular service in the seventeenth century. Its earliest consulate in Britain was in London in 1668, and by 1730 there were posts throughout the country.<sup>62</sup> The turbulent events taking place in revolutionary France made little impact on consular matters. During the period of the Napoleonic Wars, Britain and France suspended diplomatic relations from 1803 to 1814.<sup>63</sup> By 1815, the French consular network included posts in Bristol, Cork, Dublin, Edinburgh, Glasgow, Hull, and Leith.<sup>64</sup> The period from 1815 to 1870 was a period of considerable growth and more consular posts were created during this time than in previous years.<sup>65</sup> By 1827 there were additional posts in Newcastle, Stockton, and Sunderland, and in 1859 there were fifty-nine throughout the country. The following year, Birmingham was upgraded to a career post and another was established in Leeds.<sup>66</sup> Numbers remained more or less at this level until 1912, when a peak of sixty-nine posts was reached. This remained fairly constant until 1941, but by the following year there was only one,<sup>67</sup> due of course to the Second World War (dealt with later). After the War, numbers picked up again and by 1947 there were twenty-four posts but, as was the pattern with most countries, pre-war levels were never attained, although during the 1950s and 1960s there were forty-six posts, but by 2003 there were twenty-six.<sup>68</sup>

### *Germany*

The shorthand term 'Germany' is used here for ease of reference during this period, given that the pattern of German history was complicated and changed considerably. The larger 'units' are the Hanse Towns, Prussia, the German Empire, the Weimar Republic, the Third Reich, the German Federal Republic, and the German Democratic Republic (the DDR). All of these, with the exception of the DDR, have had, and in the case of the Federal Republic continues to have, a consular presence in Britain. The smaller 'units' included the kingdoms of Bavaria, Hanover, Saxony, and Wurtemberg; the grand duchies of Baden, Hesse, Hesse-Darmstadt, Mecklenburg-Schwerin, and Saxe-Weimar; the duchies of Brunswick, Nassau, and Oldenburg; the principalities of Schwarzburg-Sondershausen, Schwarzburg-Rudolstadt, and Reuss-Greiz; and the city of Frankfurt. All of these had consulates in Britain. Prior to 1815, there were 390 of these lesser states, but the Congress of Vienna that year established the German Confederation and reduced the number to thirty-nine. During the next fifty or so years they were further reduced, and all disappeared in 1871 when Bismarck created the German Empire.<sup>69</sup> The earliest with a consular presence is Bavaria, which

had a consul in London in 1774.<sup>70</sup> The majority of the lesser states had only a consulate in London, but five (Baden, Bavaria, Frankfurt, Hesse Darmstadt, and Saxony) had consulates in both London and Liverpool.<sup>71</sup> The big players among them were Hanover, Oldenburg, and Mecklenburg, all of which had extensive networks throughout the country. By 1859, Hanover had thirty-nine consulates, Oldenburg twenty-five, and Mecklenburg thirty-five. By 1862, they had forty-one, thirty-two, and thirty-eight respectively.<sup>72</sup>

The Hanseatic League was a commercial association of towns in North Germany formed in the mid-fourteenth century to protect and control trade, principally to and from the Baltic ports. There had been trading links between League members and Britain since the earliest times. The League had no consular representation as such, although its residents or agents looked after members' interests in various ports. However, the League's three principal member cities (Bremen, Hamburg and Lübeck), known collectively as the Hanse Towns, did exercise consular representation. The first mention of a consul representing the Hanse Towns in Britain was in 1771 when a Mr Paul Amfinck held office in London.<sup>73</sup> By 1859, the Hanse Towns had established an extensive network of sixty-two consulates in England, Scotland, Wales, and Ireland; in 1867 they were incorporated with the North German Confederation and ceased to have consulates.<sup>74</sup> The League itself had been in terminal decline for some time and had effectively ceased by the end of the seventeenth century.<sup>75</sup> Of course there was no need for such organisations after the creation of the German Empire in 1871.<sup>76</sup> The non-Hanseatic city of Frankfurt also had consulates in Britain, dating from at least 1847.<sup>77</sup>

Prussia's origins can be traced to the Teutonic State<sup>78</sup>, but its first appearance on the consular scene was in 1783 in London.<sup>79</sup> Diplomatic relations between Britain and Prussia were suspended from 1806-7 and from 1807-13.<sup>80</sup> The build-up of its consular network was gradual; there was a consulate in Plymouth by 1814 and others in London, Newcastle, and Sunderland by 1827. Later additions included Aberdeen and Hull (1838) Hartlepool (1851), and by 1859 there were sixty-five throughout the country, increasing to sixty-seven in 1862.<sup>81</sup> Nine years later, in 1871, Prussia was incorporated in the German Empire.

After the German Empire was established in 1871 German representation in Britain (and elsewhere) was consolidated into a coherent whole. In two phases in 1871 (June and December), Germany appointed fifty-seven consuls; this was followed a few months later in the spring of 1872 by a further five appointments.<sup>82</sup> The number of consulates increased to seventy-four in 1882 and to a peak of eighty-six by 1902. This gradually fell to seventy-one by early 1914, and to none after war was declared in August of that year.<sup>83</sup> The post-war build up was fairly rapid; after a slow start during the Weimar Republic (1919-33)—by 1922 there were only two consulates, in Glasgow and Liverpool—the pace increased until ten years later there were thirty-four.<sup>84</sup> The Third Reich (1933-45) maintained this level and in 1939, on the eve of the Second World War, there were thirty-five consulates.<sup>85</sup> The post-war build-up was slow, and by 1952 there was only a consulate in London. However, the pre-war level was never restored. Numbers gradually increased to sixteen by 1962, to eighteen by 1965 and twenty-two in 2003.<sup>86</sup>

### *Greece*

Greece's appearance on the consular scene was relatively late because from the fifteenth century until the early nineteenth century it had been incorporated within the Ottoman Empire. The Greek War of Independence began in 1821, and the country was eventually declared a kingdom in 1830. In August 1834, the King created a consular body whose members were usually drawn from well-known and wealthy Greek families.<sup>87</sup> Greece's first consul in Britain, Pandias Ralli, was appointed in London in 1835; another consulate was opened in Liverpool in June 1852.<sup>88</sup> By 1859, there were twenty consulates throughout the country.<sup>89</sup> Additional posts were gradually created, in Manchester (1867), Birmingham (1869), Cowes (1870), Southampton (1875), Sunderland (1887), Leith (1890), Edinburgh (1895), Hartlepool (1903), and Middlesbrough (1904), until by 1911 a peak of thirty-four consulates was reached.<sup>90</sup> Numbers remained at this level, including a new post in Sheffield in 1920, until 1922; however within the space of only seven years, numbers fell by ten (four of which were in the recently independent Ireland), to twenty-four—a number which remained fairly constant until 1952.<sup>91</sup> By 1965 there were seventeen consulates, and in 2003 only six.

*Hungary*

Hungary came under the rule successively of the Holy Roman Empire, the Ottoman Turks, and then the Habsburgs by the end of the seventeenth century. In 1867, on the creation of the Austro-Hungarian Empire (see Austria), the country became a dual monarchy until 1918, when the Empire collapsed at the end of the First World War.<sup>92</sup> Hungary then began to establish consulates in Britain. By 1924 it had two (Glasgow and Southampton) and the following year established another, in Cardiff.<sup>93</sup> In 1929, it had four consulates, a further one having been established in Manchester. On the outbreak of the Second World War in 1939, numbers were down to two—the original consulates in Glasgow and Southampton.<sup>94</sup> The sole consular presence during the years of Communist control was in the Embassy. By 1993, there was at least one consulate, in Liverpool, and in 2003 there were four in Britain.

*Iceland*

Iceland, like Norway, was under Danish rule for several centuries, from 1380 to 1918, when it gained its independence. Under the Act of Union of 1 December 1918 both countries became separate sovereign states but with the same monarch. As part of the Act, it was agreed that Denmark would undertake Iceland's foreign affairs although Iceland would remain in full control of its foreign policy. The agreement was a pragmatic one as Iceland had no foreign service (although it did have an embassy in Copenhagen from 1920). The Act was expected to be in force for twenty-five years. The union with Denmark was formally terminated on 16 June 1944 and the Republic of Iceland was proclaimed on the following day. However, the establishment of Iceland's foreign service pre-dates this by four years. Due to the German occupation of Denmark during the Second World, Iceland assumed full responsibility for its foreign affairs and established its own foreign service in April 1940.<sup>95</sup> From the outset, Iceland has relied extensively on honorary consuls. It still has only one career consul, the consul general in New York.<sup>96</sup> Its first honorary consul was appointed in 1938, in Winnipeg, Canada. Its second one, and first in Europe, was appointed in 1940 in Edinburgh and was headed by Sigursteinn Magnússon.<sup>97</sup> By 1947, there were seven consulates; additional ones were opened the following year in Grimsby and Manchester, and by 1952 there were nine.<sup>98</sup> In 1965, numbers reached eleven; thereafter, contrary to the usual trend, numbers did not reduce but increased and in 2003 there were fifteen consulates.<sup>99</sup>

*Ireland*

Ireland was part of Great Britain until 1922, when the Dominion of the Irish Free State was established. In 1937, a new constitution renamed the country Eire; in 1948 it was once again renamed, this time as the Republic of Ireland.<sup>100</sup> Up to 1922, therefore, consulates in Ireland (both in the north and south of the island) were regarded as being in Britain; after 1922, those in Northern Ireland are regarded as being in the UK. In this study, all statistics given for both 'areas' reflect these political and geographical divisions. In 1859, there were a hundred and five consulates in Ireland, but by 1915 this had declined to sixty-one. In 1922, the year of Irish independence, the figure was sixty-three.<sup>101</sup> Given the unique historical links between Ireland and Britain, and the large number of Irish nationals living in Britain, there was little need for an Irish consular presence. This changed, however, in 1998 when the Irish government announced that it intended to establish its first consular presence in Britain, and in May 1999 consulates general were opened in Edinburgh and Cardiff. The decision was attributed mainly to the process of devolution that was underway in Scotland and Wales.<sup>102</sup> There is an honorary consulate in the Channel Islands.

*Italy*

During the late eighteenth century and for a large part of the nineteenth century the main powers on the Italian peninsula were the Republic of Genoa, The Two Sicilies, Sardinia, and Tuscany. All of them had consulates in Britain. Italian national unity was achieved in stages during the nineteenth century.<sup>103</sup> In 1861, Victor Emmanuel II was proclaimed King of Italy, and in 1870 final unity was achieved when the kingdom seized the remainder of the Papal States, confining the Pope to the Vatican.<sup>104</sup>

Genoa had a consulate general in London from at least 1799 until 1805, when its territory was annexed to France and so disappeared from the consular stage.<sup>105</sup> The Kingdom of the Two Sicilies was formed from the union of Sicily and Naples in 1815 and had a consulate general in London from at least 1797. It gradually built up an extensive network of consulates throughout Britain, having thirty by 1860 in which year the kingdom was annexed to the Kingdom of Sardinia.<sup>106</sup> The Kingdom of Sardinia had a consulate general in London in 1817 and, like The Two Sicilies, gradually built up a countrywide network, having twenty-six consulates by 1860.<sup>107</sup> It became part of Italy in 1861.<sup>108</sup> Tuscany's consular presence was relatively modest; between 1805 and 1814,



diplomatic relations with Britain were suspended, but by 1859 Tuscany had six consulates in Britain.<sup>109</sup>

From 1861 onwards, consular representation was consolidated under the title of Italy which, in that year, had twenty-nine consulates and consular agencies throughout Britain.<sup>110</sup> It rapidly increased its network, having forty-three by 1868 and reaching a peak of fifty in 1892.<sup>111</sup> Thereafter, a slow decline began; forty-eight consulates by 1900, twenty-six by 1929, and twenty-five by the outbreak of the Second World War in 1939.<sup>112</sup> The post-war build-up was relatively slow, with only eight consulates in Britain by 1952, but five years later, in 1957, this had more than doubled to seventeen. By 1965 it had reached twenty-four and in 2003, there were twenty-one consulates or consular agencies.<sup>113</sup>

### *Malta*

The island of Malta was a British colony from 1814 until 1964, when it became an independent state within the British Commonwealth.<sup>114</sup> There has been little need for a consular presence, but there has been an honorary consulate in Edinburgh since 1985; there are also others in West Bromwich and St Helier.

### *Monaco*

In 1892, the Principality of Monaco had a consulate in London, and this was the situation that existed until at least 1932. By 1939, however, there was an increase to five consulates (London, Dover, Edinburgh, Liverpool, and Manchester), a figure maintained until the early 1950s. A peak was reached by 1962, when the figure had reached seven (London, Birmingham, Brighton, Bristol, Edinburgh, Liverpool, and York). Looking at the consular presence of other countries in that year, it is not clear why a such a small state would wish to have more consulates than much larger countries, eg Argentina (3), Austria (4), Brazil (6), Mexico (2), Poland (2), Turkey (3), and Venezuela (4). In 2003, it had consulates in London, Birmingham, Edinburgh, and Manchester.

### *Netherlands*

The 'labels' Dutch, Holland, and the Netherlands have all been used interchangeably over the centuries to describe this particular part of the Low Countries.

During the centuries the history of the Netherlands, like Belgium (see above), has been closely linked with those of Austria, France, and Spain.

The Dutch have been involved in consular activities for more than four centuries. As is mentioned in Chapter 1, there were Dutch consuls in England and Scotland in 1581 and 1594 respectively. We showed earlier that by 1815 there were twenty-five Dutch consulates throughout Britain. The build-up of this network proceeded apace, and by 1859 there were forty-six consulates.<sup>115</sup> By 1868, the total had increased to fifty-four, but during the 1870s to 1902 it ranged between the mid to late forties.<sup>116</sup> The peak was reached in 1915, by which time numbers had increased to sixty consulates, remaining at that level until at least 1922; there was little change in the size of the network throughout the 1930s to the early 1950s, with numbers averaging in the mid to late fifties.<sup>117</sup> By 1962, numbers had slipped into the forties for the first time, with forty-nine consulates in 1962, and forty-six by 1965. Thereafter, the inexorable decrease began, reaching nineteen by 1998 and seventeen by 2003.<sup>118</sup>

### *Papal States*

It might seem surprising to see a reference to the Papal States in a study on consular representation in Britain. However, the two are not mutually exclusive, given the unique position of the Holy See in this field. The Papal States, or Roman States, represented the formal temporal extent of the territories of Popes as sovereigns and covered the middle third of the Italian Peninsula, stretching from the Mediterranean to the Adriatic. By 1795, Papal consuls were functioning in ports in Algeria, Croatia, France, other Italian states, Spain, and Turkey; consular relations were established between the Papal States and the United States of America in 1797 and were terminated when the United Kingdom of Italy annexed the Papal States in 1870.<sup>119</sup> In 1842, consular relations existed between the papal government and approximately thirty-five of the most advanced countries of the Old and New World. Papal consulates were established in about one hundred foreign cities, while foreign consuls and consular agents exercised their functions in twenty-nine cities of the Papal States.<sup>120</sup> In 1870, shortly before the fall of the Pope's temporal power, Papal consulates operated in different cities of seventeen regions, from North America to Tuscany.<sup>121</sup> The last appointment of a Papal consul occurred in 1872 with the appointment of Leo Solwyns at Antwerp, but the Papal consul in New York, Leo Binsse, retained his title until his death

in March 1895 despite extensive opposition from the Italian authorities.<sup>122</sup> Also in 1870, thirty countries had consuls in the Papal States.<sup>123</sup> But Papal consulates have never been established in Britain, although the UK recognised the right of the Papal States to have consuls and there were British consuls in Papal ports in 1868 and 1870.<sup>124</sup> The Governments of the UK and the Roman States had in fact exchanged Declarations in 1853 dealing with the reciprocal treatment of their shipping and goods in their ports.<sup>125</sup>

As a sovereign state, the Vatican City has the right of representation through its diplomatic representatives, the Nuncios of the Holy See. Nuncios have vestigial consular responsibilities in this country, and elsewhere, in respect of citizens of the Vatican City State.<sup>126</sup> They can extend not only 'diplomatic passports but also [Vatican] service passports issued by the Secretariat of State and the passports of Vatican citizens in foreign countries issued by the Vatican City State', and they 'have also the right to legalise and certify signatures. Likewise, they carry out various activities of a cultural, social and educational nature, and organise assistance, where needed, even on a large scale.'<sup>127</sup> The nuncio in London therefore has the right to carry out several, albeit limited, consular activities.

Although in 1914, the UK established a legation to the Holy See, relations remained unilateral for almost seventy years. A halfway step was taken in 1938 when an Apostolic Delegate was appointed in London.<sup>128</sup> A Delegate has no *formal* diplomatic function; his mission is ecclesiastical, but the appointment often prepares the way for the establishment of normal diplomatic relations.<sup>129</sup> Indeed, the Delegate in London was allowed 'free access' to all government departments 'and was thus treated by the British government as a *de facto* diplomat.'<sup>130</sup> The British Legation was upgraded to an embassy in 1982.<sup>131</sup> The Holy See did not initially reciprocate by upgrading its Apostolic Delegate to an Apostolic Nuncio, who has diplomatic status.<sup>132</sup> Archbishop Bruno Heim, Apostolic Delegate (1973-1982 and Pro-Nuncio (1982-85) explained:

The Holy See *never* [his stress] asks for diplomatic relations. My instructions were not to ask. But my relations with the Foreign Office were normal. I was always invited when the Diplomatic Corps was invited by the Government and Her Majesty. I was invited like most of the Ambassadors and in 1982 Lord Carrington, who had become a friend of mine, asked the Holy See for

reciprocation. So I became the first [Pro] Nuncio since the time of Henry VIII. For a time the Holy See called the head of a Nunciature who was not Dean of the Diplomatic Corps 'Pro-Nuncio', but this has been abandoned.<sup>133</sup>

Archbishop Luigi Barbarito, Heim's successor, was also Pro-nuncio, but the title was abolished during his term of office: 'In London there is a[n Apostolic] Nuncio from 1994. It happened that I was the first to get this title.'<sup>134</sup> In 2003, an Apostolic Nuncio and a First Secretary represented the Holy See in London.

### *Poland*

At the end of the fourteenth century Poland was united with Lithuania; between the fourteenth and sixteenth centuries the country was partitioned on three occasions (1772, 1793, and 1795), the beneficiaries being Austria, Prussia, and Russia.<sup>135</sup> After the last of these, France also became involved in Poland during the Napoleonic Wars, creating the Small Grand Duchy of Warsaw, but this was dissolved in 1815 by the Congress of Vienna.<sup>136</sup> Various other partitions followed in which Austria, Prussia, and Russia were once more involved, and Poland ceased to be an independent country from 1848 until November 1918 when the Polish Republic was declared.<sup>137</sup> In 1939, the country was invaded by Germany. After the War, Poland was ruled by a Communist government from 1947 until 1989 when a multiparty system was introduced. The following year the 'Solidarity' movement gained office in both the government and presidency, a period lasting until the elections of 1995.

In view of its relatively short periods of independence, Poland was late in establishing a consular presence. By 1922, it had a consulate general in London, a position it maintained until at least 1933, but by 1939 it had six consulates throughout the country and five by 1942.<sup>138</sup> After the Second World War, the number of consulates peaked at seven, but immediately thereafter and until at least 1965 following the establishment of the Communist regime numbers fell to two (London and Glasgow).<sup>139</sup> Numbers picked up again gradually after the fall of the regime, with consulates opening in 1996, 1997, and 1998. In 2003, Poland had a consulate general in Edinburgh and four honorary consulates in England.

*Portugal*

It is often said that Portugal is Britain's oldest ally. Treaties between the two countries were signed as far back as 1373,<sup>140</sup> although according to Cuttino it is a slightly later treaty, 'the Treaty of Windsor of 1386, [which is] the oldest treaty by which England [sic] is still bound.'<sup>141</sup> Portugal was an independent monarchy from 1139 until 1910 when a republic was declared. For many years, a dictatorship ruled the country until constitutional government was restored in 1976.<sup>142</sup>

There was a Portuguese consulate general in London from at least 1794 and consulates gradually began to be established in other parts of the country.<sup>143</sup> Consulates were located in Liverpool (1812), Dublin (1817), and Bristol (1820).<sup>144</sup> By 1850, they were also in *Falmouth, Glasgow, Folkestone, Guernsey, Hartlepool, Hull, Kingsbridge* and *Salcombe, Leith, Newcastle, Newport, Orkney and Shetland, Penzance, Poole, Plymouth, Ramsgate, Shields, Southampton, Stockton, Sunderland, Weymouth, and Yarmouth.*<sup>145</sup> A peak of fifty-eight was reached in 1868.<sup>146</sup> By 1900, there were fifty consulates, but thereafter the inevitable gradual decline began. In 1916, numbers were down to forty-two, and by 1929 had reached twenty-seven.<sup>147</sup> It appears that the Portuguese authorities carried out a major review of their consular network between 1922 and 1929. Part of the reduction was due to four consulates being transferred to the newly independent Ireland.<sup>148</sup> From the 1930s to the 1960s numbers remained in the early twenties, and by 1965 there were twenty-four. Numbers continued to fall and in 2003 there were only three consulates.

*Russia*

Russia had a consulate as early as 19 January 1773, in London. The consul was Alexander Baxter, a Scot, who was also a member of the Russia Company<sup>149</sup> and an accredited agent of the Russian government in Britain.<sup>150</sup> Diplomatic relations between Britain and Russia were suspended between 1800 and 1801, and from 1807 until 1812.<sup>151</sup> From the early nineteenth century onwards there were consulates in Birmingham and Hull (1815) and Aberdeen (1838); the network gradually increased, with consulates in ports such as Hartlepool (by 1851), and Liverpool and Guernsey (by 1856), until by 1859 there were thirty-six established throughout the country.<sup>152</sup> Apart from a slight dip to thirty-three in 1882 the expansion of the consular network continued until 1912, when it reached a peak of fifty-six consulates. In 1911, Russians (including

Russian Poles) were by far the largest group of foreigners living in England and Wales.<sup>153</sup> The decline in consulates was as rapid as the increase had been. On the eve of the Russian Revolution, numbers had reduced to thirty-eight.<sup>154</sup> Following the October Revolution in 1917, the Russian Soviet Federal Socialist Republic (RSFSR) was set up, and six years later the USSR, or Soviet Union, was formally established in 1923.<sup>155</sup> After 1917, with a brief exception, the Soviet consular presence was non-existent, apart from the consulate general in London. The exception occurred just over two months after the Revolution. On 5 January 1918, Maxim Litvinoff (sent to London as a possible ambassador, but had not been officially recognised and remained as the Soviets' political representative)<sup>156</sup> wrote from the 'Russian Peoples' Embassy and Consulate General in London' to John Maclean, a *Scottish Marxist, in Glasgow appointing him the Bolshevik's first, and possibly only, honorary consul in Britain*. He added:

'I am writing to the Russian Consul in Glasgow (I am not sure there exists such a person) informing him of your appointment and ordering him to hand over to you the Consulate. He may refuse to do so, in which case you will open a new Consulate and make it public through the press. Your position may be difficult somehow, but you will have my full support. It is most important to keep me informed (and through me the Russian Soviets) of the Labour Movement in N[orth] B[ritain]. ...'<sup>157</sup>

The request at the end of the letter was clearly political rather than consular. It was not unusual, however, since consuls are on occasion asked to undertake political duties. After the fall of the Soviet Union in 1991, the newly independent Russian Federation established a consulate general in Edinburgh in 1993 and an honorary consulate in Southampton in 1994.<sup>158</sup> This position continued in 2003.

### *Scandinavian States*

The history of the three main Scandinavian countries (Sweden, Norway, and Denmark) shows how closely they were interconnected and the degree to which their individual sovereignty shifted among themselves over the centuries. For example, Norway was united with Denmark from 1397 to 1814, between 1814 and 1905 it was united with Sweden, and in 1905 the union was dissolved and Norway chose a Danish prince who became King Haakon VII.<sup>159</sup> Sweden's early consular planners did not

regard Britain as a priority. Starting with Amsterdam in 1640, it established eleven consulates in various European countries before opening its first one in Britain more than eighty years later in London in 1722. The consul was Jonas Alströmer, a well-known Swedish industrialist, businessman and innovator.<sup>160</sup> The Swedish Ministry for Foreign Affairs cannot trace details of consulates established in Britain between 1749 and 1807. The only information it provided with any degree of certainty is that after 1722 there was one in Liverpool 'before 1807'; after that date, there was one in 'Leith (Edinburgh) before 1808' and consulates in Bristol, Hull, Plymouth, and Swansea 'before 1815'.<sup>161</sup> However, this study has traced a Swedish consulate in London, headed by Consul Claes Grill continuously between at least 1783 and 1814.<sup>162</sup> It can also be said that there was a consulate in Newcastle in 1824.<sup>163</sup> Up to the union with Norway in 1814, Sweden had at least seven consulates in Britain,<sup>164</sup> by 1862, as the kingdom of Sweden and Norway, it had reached a peak of a hundred and twenty-two throughout the country. At the turn of the twentieth century, in 1902, it had ninety-three.<sup>165</sup> After Norway became an independent monarchy in 1905 both countries were faced with creating separate consular representation; initially, the build-up to this was slow, with sixteen consulates each in Britain in 1907, all in identical towns.<sup>166</sup> However, by 1912 Sweden had sixty-eight, and Norway sixty-five, a combined total of one hundred and thirty-three, greatly exceeding the combined figure of ninety-three that they had ten years earlier.<sup>167</sup> There has been a remarkable consistency in the size of each country's consular presence over the years with little variation. Both peaked by 1922, with seventy-one for Sweden and seventy for Norway. Sweden, which had begun with slightly more consulates than Norway in 1912, had appreciably fewer than Norway by 1965 (Sweden's thirty-nine as opposed to Norway's fifty-eight). In 2003, Sweden had twenty consulates and Norway had twenty-eight.

As mentioned above, Denmark incorporated Norway from 1397 until 1814. The first set of Danish consular instructions was produced in 1749.<sup>168</sup> In 1750, Denmark had ten honorary consuls in its service; there are no details of where and in which country they were located, but there was one in Edinburgh in 1763.<sup>169</sup> From at least 1770 there were Danish consuls in London,<sup>170</sup> and from at least 1790 in Newcastle and 1791 in Dublin.<sup>171</sup> However, it seems likely that there were consuls operating in other parts of Britain before 1770 since by that year there was a total of forty-seven Danish consuls working in Europe and four outside Europe.<sup>172</sup> By 1838 in Britain, they had spread out

and were based in ports such as Aberdeen and Hull; in 1862 the network consisted of eighty consulates.<sup>173</sup> Expansion continued rapidly and ten years later, in 1872, reached a peak of a hundred and five consulates.<sup>174</sup> It is interesting to note that the peak for the Danish honorary consulates throughout the world was not reached until almost thirty years later: in 1900, the total number of Danish honorary consulates throughout the world was five hundred and seventy-three.<sup>175</sup> In Britain, at the start of the two World Wars, numbers had reduced to seventy-eight in 1914, and to sixty in 1939; it dipped further to fifty-two consulates by 1965,<sup>176</sup> and thirty-three in 2003.<sup>177</sup>

### *Spain*

Spain has a long history and was a leading colonial power from the early sixteenth century onwards. It had a consulate general in London by 1794 and gradually began to build up a consular network, with early ones including ports such as Folkestone and Hull.<sup>178</sup> The network continued to grow, despite there being three occasions during this period when diplomatic relations between Spain and Britain were suspended (1796-1802, 1804-8, 1848-50), and by 1859 there were forty-eight consulates throughout the country; by the turn of the century in 1900 the figure had reached a peak of sixty-one.<sup>179</sup> Numbers remained in the fifties until the early 1920s but between 1929 and 1933 the numbers entered the forties, with forty-seven by 1933; in the following six years numbers dropped significantly to thirty-six by 1939. After the Second World War they fell to twenty-three by 1947, remaining at this level until at least 1965, but then declined until by 2003 there were only three consulates general and no honorary consulates.<sup>180</sup>

### *Switzerland*

For centuries, Switzerland has been divided into cantons and in 1291 three of these formed a self-defence League as an alliance against the Habsburgs. The Swiss regard this date as the beginning of Confederation. Other cantons joined in the fourteenth and fifteenth centuries. Independence was gained in 1499 and the country adopted its neutrality policy in 1516. Invading French armies established the Helvetic Republic in 1798, but its existence was short-lived, lasting only five years. Swiss neutrality was recognised internationally by the Treaty of Paris. Although Switzerland was a member of the League of Nations it did not join the United Nations until 2002.<sup>181</sup>



Given its size and its policy of neutrality, Switzerland's consular presence in Britain and elsewhere has always been modest. There were no diplomatic relations between the two countries before 1776, and relations were suspended from 1797 to 1814.<sup>182</sup> By 1827 there was a consulate in London, and by 1859 this had been augmented by one in Liverpool.<sup>183</sup> London and Liverpool remained the pattern until at least 1886 when this changed to Liverpool only until at least 1915.<sup>184</sup> In 1916, Liverpool was joined by a consulate in Glasgow and in the following year by consulates in Hull and Manchester.<sup>185</sup> The Hull consulate had closed by 1929 but the other three remained. There were still three by 1939, but the Glasgow consulate had moved to Balloch; this was the situation until at least 1947.<sup>186</sup> By 1952, numbers were reduced to Balloch and Manchester; in the early 1960s Balloch was closed and replaced by Dunfermline. Numbers gradually increased, and in 2003 there was a consulate general and three consular agencies.

### *Turkey*

Geographically Turkey is unusual because, straddling the Bosphorus, it is located in both Europe and Asia. By the eleventh century, Seljuk Turks conquered Anatolia, the Asian part of the country; they were succeeded early in the fourteenth century by the Turkish Osmanli dynasty, headed by Osman I, the founder of the Ottoman Empire. The Empire became one of the strongest powers in the world, with extensive territory in Europe, North Africa, and Asia. Its seat of government in Istanbul (formerly Constantinople, wrested in 1453 from the Holy Roman Empire) was known as the Sublime Porte.<sup>187</sup> The Ottoman Empire lasted until the end of the First World War in 1918.<sup>188</sup> The Sultanate was abolished in November 1922, and the following year Turkey was declared a secular republic, with Kemal Atatürk as its president.<sup>189</sup>

Ottoman embassy staff and consuls were usually Greek subjects of the Empire. The first Ottoman consulate in Britain was established in London in 1806; diplomatic relations between Britain and the Empire were suspended between 1807 and 1808, but the consulate reopened and was still there in 1815.<sup>190</sup> However, as a result of the Greek uprising which began in 1821 Greek officials were regarded as potential security risks; they were dismissed from their posts and the embassies and consulates were closed down. Also, diplomatic relations between Britain and Turkey were suspended once again, from 1827 until 1829. Soon after 1834 the Ottomans resumed their consular

nominations, building up extensive networks which by 1859 in Britain numbered thirty-one consulates.<sup>191</sup> The number remained in the early to mid-thirties until at least 1902, peaking at thirty-six in 1868, but by 1911 had fallen to twenty-two.<sup>192</sup> From 1914 until 1918, diplomatic relations between Britain and Turkey were suspended when the latter allied itself with Germany in the First World War.<sup>193</sup> After the War and the creation of the Turkish Republic in 1923, numbers never reached their pre-War levels and by 1928 there were only six consulates in Britain. Apart from a modest increase to eight consulates by 1939, numbers averaged six until the 1950s.<sup>194</sup> By the early 1960s numbers halved to three, a figure which has remained constant until 2003 (with a consulate general in London, and honorary consulates in Edinburgh and Cardiff).

Given that the foregoing section on European states is the largest section of this chapter, it is useful to consider several points that have emerged. A common feature is that most countries began their consular presence in a minimalist fashion, starting in the capital before branching out throughout the country. After a while, they reached a plateau and began to draw back and reduce their presence. This was caused by factors such as wars, changes in trading patterns, consolidation of small city or regional groupings into larger national ones. As discussed above, some countries have had extensive consular networks; this can be illustrated in Table 3.

**Table 3**  
**Years in which European countries had their highest number of consulates in the United Kingdom**

<i>Country or State</i>	<i>Year</i>	<i>Consulates</i>	<i>Country or State</i>	<i>Year</i>	<i>Consulates</i>
Kingdom of Sweden & Norway	1862	122	Hanover	1862	41
Denmark	1872	105	Latvia	1932	39
Germany	1902	86	Mecklenburg	1862	38
Sweden	1922	71	Turkey/Ottoman Empire	1868	36
Norway	1922	70	Greece	1911	34
France	1912	69	Austria	1892	32
Prussia	1862	67	Oldenburg	1862	32
Hanse Towns	1859	62	The Two Sicilies	1860	30
Belgium	1868	62	Sardinia	1860	26
Spain	1900	61	Estonia	1932	20
Netherlands	1915	60	Iceland	2003	15
Portugal	1868	58	Poland	1947	7
Russia	1902	56	Hungary	1929	4
Italy	1892	50	Switzerland	1922	4
Finland	1922	47	Lithuania	†	2

Source: compiled from Foreign Office Lists & Diplomatic & Consular Year Books.

† Lithuania never peaked; it averaged two consulates each year.

Some of the plateaux reached are impressively large. Scandinavian countries lead the field, with Denmark and the former Kingdom of Sweden and Norway both having had more than a hundred consulates. Denmark has continued to maintain an extensive network and, although its numbers had fallen by more than two thirds, it had the highest number (thirty-three) in 2003. Constituent states and cities that now form part of Germany had surprisingly large and extensive networks. The Hanse Towns had sixty-two consulates in 1859. In 1862 at their peaks Prussia (67), Hanover (41), Mecklenburg (38), and Oldenburg (32) had a total of a hundred and seventy-eight consulates. If the Hanse Towns figure for that year (61, a reduction of one from their 1859 peak figure) is added this produces a grand total of two hundred and thirty-nine German consulates in Britain. Why was there such a large presence from this one area of Europe? Individual trading was clearly the major factor; in 1862, Britain's import/export trade with Germany (exclusive of the Duchies up to 1860) was second only to that with France.<sup>195</sup> Also, an idea of the size of the German shipping fleets can be gained by examining the inventory of the assets of Theodor Salvesen, Hanoverian vice consul in Grangemouth, at the date of his death in December 1865. This showed that he had shares in 140 Prussian and Mecklenburg ships.<sup>196</sup> Extrapolation of this figure to other former constituent parts of Germany suggests a very large overall fleet. Many of the countries that formerly had extensive networks have had remarkable decreases since their peak figures. Spain, with sixty-one consulates in 1900 had only three in 2003; Portugal, with fifty-eight in 1868 also had only three in 2003; Latvia had thirty-nine in 1932 and one in 2003; Austria had thirty-two in 1892 and had only two in 2003; and Estonia, which had twenty in 1932, had only one in 2003. Only two countries reversed the trend: Iceland had more consulates (fifteen) in 2003 than at any other time in its history, and Lithuania which had always averaged two consulates over the years had three in 2003.

### *Middle East/North Africa*

Of the countries in this region, Iran has had the longest consular presence in Britain. As Persia, it had its first consulate in London in 1841,<sup>197</sup> followed by one in Liverpool in 1862. In 1901, it opened another in Glasgow, and by 1912 it had eight throughout the country.<sup>198</sup> Its highest number was reached in 1922, when it had nine consulates.<sup>199</sup> Thereafter, numbers declined, to six in 1932 and, as Iran (to which its

name was changed in 1935) one in London in 1939.<sup>200</sup> There were no consulates after the Second World War and in 1952 Iran closed all the British consulates on its territory on the grounds that it did not have any consulates in Britain.<sup>201</sup> It is not clear when the situation changed, but Iran had a consulate in Manchester in May 1987, because on that date the British Government ordered its closure in retaliation for the abduction and beating of a British diplomat in Tehran.<sup>202</sup> Apart from the consular section in the embassy, there have been no consulates from then until the present day. Egypt had consulates in London, Liverpool, and Manchester in 1932; and in London and Liverpool in 1952.<sup>203</sup> It has not had any since then. Iraq had a consulate in London between 1937 and 1939, Syria had one in Manchester in 1952, Lebanon had a consulate in Manchester between 1952 and 1961 and one in London in 1965, Tunisia had one in Sheffield in 1958 and in 2003 had five (Birmingham, Cowbridge, Glasgow, Southampton, and Southport), and Libya opened a consulate (its first in this country) in Glasgow in 2002.<sup>204</sup> Israel has never had a consulate in Britain and in 2003 had only a consulate general in London. With the exception of those described here, no other country from the region has had consulates in Britain (apart from consular sections in their embassies), a situation which continues to the present.

### *Sub-Saharan Africa*

With few exceptions, African countries were slow to establish consulates. This is understandable since most were colonies of the imperial powers until after the First World War. The first to establish a consulate in Britain was Liberia (which had been declared a republic in 1847), and by 1859 it had five throughout the country.<sup>205</sup> Thirteen years later, this figure had more than doubled to twenty-two, rising to a peak of thirty-seven in 1892. Thereafter, the numbers declined, and by 1965 it had seven.<sup>206</sup> It is thought to have had honorary consulates in Liverpool and Manchester in 2003.<sup>207</sup> South Africa (or Transvaal, as it was then known) had a consul general in London between at least 1872 and 1892. It has no consular presence in Britain outwith its High Commission in London.<sup>208</sup> As is mentioned above, the Orange Free State, which had a similar political history to that of the Transvaal, had a consular presence in London between 1882 and 1892. In 1900 and 1902, the Congo Free State had consulates in London, Liverpool, and Manchester.<sup>209</sup> There was no further African consular presence until the 1960s (for example, Cameroon, Gabon). In 2003, Benin, Congo, Côte d'Ivoire,

Guinea, Guinea-Bissau, Madagascar, Malawi, and Mauritania all had consulates in Britain.<sup>210</sup>

### *East Asia*

#### *China*

Although Britain had the right to have consulates in China under the Treaty of Nanjing 1842 (one of the 'Unequal Treaties'),<sup>211</sup> China did not open its first consulate general in London until 1875. It closed on 14 January 1950.<sup>212</sup> Consulates were established in Manchester (1929), Liverpool (1932), and Birmingham (1942).<sup>213</sup> The official in final charge of the Manchester vice consulate was Kenneth Lo, previously employed in the Liverpool consulate as industrial relations officer and later well-known as a restaurateur and chef in London.<sup>214</sup> The consular presence altered after the People's Republic of China came into power in October 1949. For thirty-six years China had no consular presence in Britain, apart from a section in the Embassy, until it opened a consulate general in Manchester in April 1986.<sup>215</sup> Eleven years later it opened a consulate general in Edinburgh in August 1997 (its first-ever presence in Scotland).<sup>216</sup> The formal, legal basis for establishing a consulate is contained in bilateral consular conventions between the States concerned. Additionally, when the UK and certain other countries enter into such arrangements with communist countries they generally do so on a reciprocal basis. This is what happened when the UK agreed to allow China to establish a consulate general in Manchester; China, in its turn, agreed to the UK establishing a consulate general in Shanghai.<sup>217</sup> When agreement was reached on opening a consulate general in Edinburgh, the UK was permitted to open one in Guangzhou.<sup>218</sup> The UK does not have diplomatic or consular relations with the Republic of China (ROC) [Taiwan]. However, the ROC has two Representative Offices in the UK, in London and Edinburgh. 'Although these offices offer some but not all of the services usually provided by embassies and consulates, they have facilitated the expansion of economic, cultural and technology relations with the UK.'<sup>219</sup> The UK has similar non-governmental trade and cultural offices in the ROC at Taipei and Kaohsiung.<sup>220</sup>

#### *Japan*

In 1858, Britain concluded a treaty with Japan which stated (Article II) that 'Her Majesty the Queen of Great Britain and Ireland may appoint...Consuls or Consular

Agents to reside at any or all of the ports of Japan, which are opened for British Commerce by this Treaty; the Consul-General of Great Britain shall have the right to travel freely to any part of the Empire of Japan; His Majesty the Tycoon of Japan may appoint...Consuls, or Consular Agents, at any or all of the ports of Great Britain. The...Consul-General of Japan shall have the right to travel freely to any part of Great Britain.<sup>221</sup> By 1868, Britain had seven consulates in Japan.<sup>222</sup> In the same year, the Tokugawa shogunate in Japan was overthrown and imperial rule was restored. This Meiji Restoration (after the imperial house of Meiji) marked the end of several centuries of Japanese isolationism and the beginning of the country's modernisation era.<sup>223</sup> For the first time, Japan began to consider establishing legations and consulates. Its first consulate was in Shanghai in August 1870, the same year that it established its legation in London.<sup>224</sup>

Tamotsu Mimami was appointed as the first Japanese consul in London on 24 March 1876, the consulate formally opening on 1 April. It closed from August 1881 to April 1882 pending the arrival of consul Kokichi Sonoda (who had been appointed on 16 February 1881). During this time, consular affairs were dealt with by Nobuaki Makino, Chancellor of the Japanese Legation, as acting consul. Initially, Japan was represented in Liverpool by honorary consuls, the first being J L Bowes, Deputy President of the local Chamber of Commerce, appointed on 17 April 1888. Following his death on 28 October 1899, the post remained vacant until the appointment of cotton thread broker PEJ Hemelryk on 21 April 1902. By 1892, there were consulates in London, Glasgow, and Liverpool.<sup>225</sup> Six years later, in 1898, a consulate was opened in Middlesbrough.<sup>226</sup> In 1906, Manchester was added, headed by W Dunstan Ford Smith.<sup>227</sup> 1921 saw the opening of a consulate in Cardiff, headed by E H Trimby.<sup>228</sup> The Liverpool honorary consulate was upgraded to a full-time career one on 21 February 1920 on the arrival of Kuramatsu Kishi, whose appointment was made on 6 June 1919, replacing PEJ Hemelryk. He was succeeded on 3 March 1921 by Junzo Sakane and then in turn on 9 January 1922 by Saizo Masuko. There was always a considerable delay between the dates of these early appointments and the arrivals of the incumbents, due no doubt to the long sea journeys involved between Japan and Britain. The Japanese consular presence in Britain reached its zenith in 1931, when it had eight consulates.<sup>229</sup> The Liverpool consulate was finally closed on 10 March 1942,<sup>230</sup> four months after the declaration of war. There were no consulates for many years, and by 1962 there was

only one outside London, at Liverpool.<sup>231</sup> In 2003, there was a career consulate general in Edinburgh and an honorary consulate in Cardiff.<sup>232</sup>

### *Korea*

Korea has never had a consulate in Britain. Its consular presence started only in 1956 as a consular section within the embassy.<sup>233</sup> Never a player on the international stage, until the early twentieth century it was known as the hermit kingdom. Korea was annexed by Japan in 1910, a situation that lasted until 1945. During that period, the country lost its independence and its separate identity.

### *Central Asia*

The collapse of the Soviet Union in 1991 also brought a number of Central Asian newcomers to the consular scene, for example, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan. All have consular sections within their embassies but, additionally, Kazakhstan,<sup>234</sup> Kyrgyzstan, and Tajikistan have established honorary consulates in, respectively, Aberdeen, Edinburgh, and London. Most of these countries participated in the Consular Survey described later. In 2003, the only other Central Asian country with a consular presence in Britain was Mongolia, which opened its first consulate in 1999 in Edinburgh.<sup>235</sup>

### *South East Asia*

The late arrival on the international diplomatic stage of South East Asian countries is explained by their having been either colonies or heavily under the influence of western colonial powers. The countries in question (with their former colonial ruler or sphere of influence shown) are Bangladesh (formerly East Pakistan; UK), Burma—now Myanmar (UK), Cambodia (France), India (UK), Indonesia (the Netherlands), Laos (France), Malaysia/Malaya (UK), Pakistan (UK), Singapore (UK), and Vietnam (France). Thailand, formerly Siam, is an exception. The UK and France regarded it as a neutral zone between their Burmese and Indo-Chinese possessions.<sup>236</sup> As Siam, its first consulate in Britain was in London in 1868, headed by David King Mason.<sup>237</sup> In 1901, consulates were also established in Glasgow and Liverpool; consulates continued to be opened and by 1922 there were six.<sup>238</sup> There were no consulates during the war years, but under its new post-war name of Thailand the country reopened four of them in 1948; by 1965 there were five, which continue to the

present day.<sup>239</sup> Of the other countries listed, apart from consular sections in their embassies or high commissions, only three—Bangladesh, India, and Pakistan—have had consulates in Britain. In 2003, Bangladesh had assistant high commissions (consulates general) in Birmingham and Manchester, and an honorary consulate in Edinburgh; India had consulates general in Manchester and Edinburgh (previously in Glasgow); and Pakistan had a consulate general in Manchester, a consulate in Bradford, and vice consulates in Birmingham and Glasgow.<sup>240</sup>

### *Pacific*

The principal countries in the Pacific region are Australia, Fiji, New Zealand, and the Philippines, all of which are former colonies: the first three were British, the latter was Spanish. They therefore came to the consular stage relatively late. In 2003, Australia had honorary consulates in Edinburgh and Manchester, Fiji had no consulates, and New Zealand had honorary consulates in Belfast and Edinburgh.<sup>241</sup> The Philippines' first consulates were opened in Liverpool in 1958 and Glasgow in 1959. In 2003, there were honorary consulates in Edinburgh, Glasgow, and Liverpool.<sup>242</sup> In the same year, four of the small Pacific island states also had consulates in Britain: Kiribati (Llanddewi Rydderch, Monmouthshire), Nauru (London), Samoa (London), and Tuvalu (London).<sup>243</sup>

### *North America*

#### *Canada*

Because of its Dominion status within the British Empire, Canada came to the consular scene late. Its first consulates in this country were established in Birmingham, Manchester, Glasgow, and Belfast, all in 1973. These were previously Immigration Offices (Manchester, Glasgow, Belfast), and a Visa Office (Birmingham). There were many Canadian representatives in the UK before then, but they were either immigration officers or trade commissioners, not consuls.<sup>244</sup> In 2003, Canada had honorary consulates in Belfast, Birmingham, Cardiff, and Edinburgh.

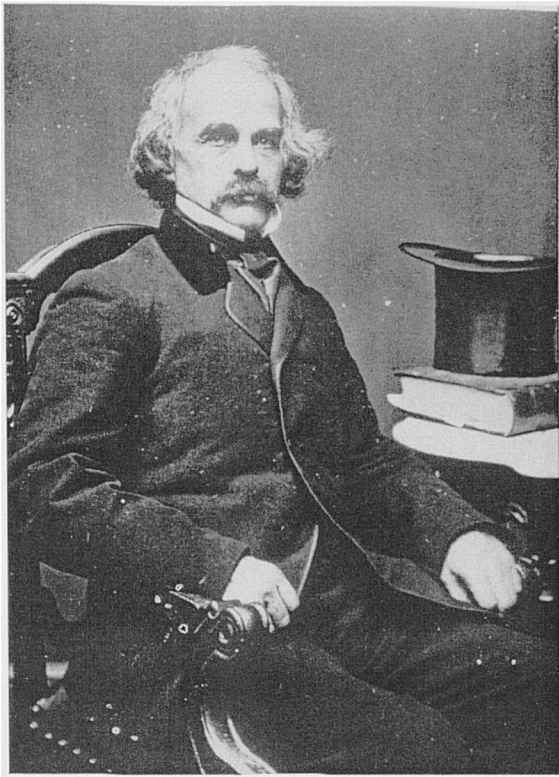
#### *United States of America*

The American constitution came into effect in 1789, and during its first twelve years (1790 to 1801), the new American Republic opened seventeen consulates and consular agencies throughout Britain (which, at that time, included Ireland).<sup>245</sup> By 1859,



numbers had risen to twenty-one, but thirteen years later, in 1872, they had increased by an astonishing 162% to fifty-five. The reason for this cannot be ascertained with certainty, but it seems likely that a major factor was the increase in trading and mercantile activity between US and British ports. Overall trading between the two countries increased from £58.7 million in 1859 to £100.6 million in 1872.<sup>246</sup> The main increase in the American consular presence took place in England, where eleven consulates and agencies functioning in 1859 increased to thirty-five by 1872, with smaller increases at ports in other parts of the UK, with the exception of Northern Ireland where there was no change.<sup>247</sup> The peak was reached by 1902, with a total of sixty-one, due largely to a doubling in Scotland (up from five to ten). Thereafter, numbers began to decrease: ten years later, in 1912, there were forty, and the decline continued during successive ten year intervals: in 1922 (twenty-seven), 1932 (seventeen), 1942 (thirteen), 1952 (twelve), and 1962 (nine). In 1965, the last year of official figures, there were seven.<sup>248</sup> In 2003, only the consulates general in Belfast and Edinburgh<sup>249</sup> were still functioning; they celebrated their bicentenaries in 1996 and 1998 respectively.<sup>250</sup>

The consulate at Liverpool was the premier post in the American foreign service firmament. Indeed, 'it was commonly understood that the Liverpool consulate paid more than any other United States foreign post and that only the ambassadorship to Great Britain had greater prestige.'<sup>251</sup> The generous level of remuneration may be gauged from the following remarks about US consular salary levels in 1871: 'The highest salary paid to [US] Consular officers is 7,500 dol., at the posts of London and Liverpool. ...the lowest salary...is at Amsterdam and Stuttgart [sic], being 1,000 dol.' These consuls were restricted from engaging in trade.<sup>252</sup> The Liverpool consulship attracted a number of celebrated individuals, including Nathaniel Hawthorne (Figure 2), author of *The Scarlet Letter*, *The House of the Seven Gables*, and other novels. He was consul from 1853 to 1857, succeeding Colonel Thomas Crittenden.<sup>253</sup> Hawthorne was not initially enamoured of his office accommodation, declaring afterwards that 'he hated the very sight of it "from first to last"'.<sup>254</sup> He was also cynical about the oath-taking requirements he had to administer to his 'clients', remarking that there was a 'consular copy of the New Testament, bound in black morocco, and greasy, I fear, with a daily succession of perjured kisses;....'<sup>255</sup> While consul, his circle of acquaintances included Robert Browning and Elizabeth Barrett Browning, and visitors to the consulate included



**Figure 2. Nathaniel Hawthorne, American Consul, Liverpool, 1853-7. (National Archives and Records Administration, College Park, Maryland. Ref 59-HCP-2-12-12)**



**Figure 3. Thomas M Waller, American Consul General, London, 1885-9. (State Archives, Connecticut State Library. Ref. Picture Group 500)**

the author Herman Melville and 'Commodore Matthew Perry, just returned from the voyage to Japan where he had signed a commercial treaty between the United States and Japan'.<sup>256</sup>

Elsewhere in Britain, the author Bret Harte held a consular appointment in Glasgow from 1880 to 1885.<sup>257</sup> Another consular appointee, eminent in his particular field, was Thomas M Waller (Figure 3), Consul General in London from 1885-9. His previous appointments included Connecticut Secretary of State (1870-1), Mayor of New London (1873), Speaker of the Connecticut General Assembly (1876), and State Governor of Connecticut (1883-5).<sup>258</sup> The work at some posts was not particularly arduous and the incumbents were sometimes forgotten by their employers. Thus in 1818 Joel Hart, an American citizen, was appointed as consul in Edinburgh. After taking up the appointment he moved immediately to London for five years, then returned to the United States, leaving a vice consul in charge in Edinburgh. The State Department was completely unaware of his sixteen years absence from his post, during which time he was engaged in non-consular activities.<sup>259</sup>

### *Central and Latin America*

Following upon their gaining independence from Spain and Portugal, the Central and Latin American countries emerged on the consular scene in Britain in several waves during the nineteenth century and the beginning of the twentieth century. The largest wave was in the 1850s, when nine countries established consulates;<sup>260</sup> the last additions were Cuba (1903), and Panama (1905).<sup>261</sup> The first of the countries to have a consul in Britain was The Brazils [sic], in London in 1814, prior to Brazil declaring its independence from Portugal in 1822. By 1825, as an independent state, it was still the only Latin American country with a consular presence in Britain (London and Liverpool); a consulate in Newcastle was established in 1827. Liverpool was also the port in which Brazil's first woman consul, Zorayma de Almeida Rodrigues, was appointed in 1935.<sup>262</sup> Venezuela's first consulates in Britain were established in 1834 in London and Liverpool. By 1872 the number had risen slowly to four, and continued to a peak of sixteen in 1902. Numbers fell to five in 1914, picking up again to ten in 1922. Thereafter, numbers decreased to four in 1947, three in 1965 and none in 2003.<sup>263</sup>

In view of the large numbers of countries involved, it is proposed to describe the consular presence in Britain of only a few, selected at random. Suffice to say, however, that the pattern for all the countries is similar, with initial establishment taking place in London, thereafter spreading throughout the country, and eventually decreasing. Mexico had a consulate in London in 1847; the build up continued from the 1840s, reaching a peak of seventeen in 1911 which was almost maintained until at least 1916, but numbers declined to two by 1962, although there was a slight increase to six in 1965.<sup>264</sup> In 2003, it had consulates in Liverpool, Manchester, and Edinburgh. Brazil, Chile, Honduras, and Uruguay had the most extensive consular networks, but their numbers fluctuated greatly. As we have seen, Brazil's consular presence began in 1814. By 1846, it had consulates in London, Liverpool, and Hull and by 1859 had twenty-nine throughout the country, a number that was fairly constant until 1922, when it fell to eighteen. The decline continued; in 1932 it was twelve, and in 1942 six, a figure that was maintained for many years.<sup>265</sup> In 2003, Brazil had honorary consulates in Edinburgh, Cardiff, and Manchester. By 1846, Chile had consulates in Liverpool and Cardiff; in 1859, the number had risen to nine. Numbers increased rapidly and by 1882 there were twenty-two. A peak of twenty-six, was reached in 1900, after which a gradual decline began. By 1922 it was sixteen; ten years later it had fallen to eight. In 1942, in the early years of the Second World War, it was down to four and by 1965 it was two.<sup>266</sup> In 2003, Chile had consulates in Belfast, Bristol, Edinburgh, and Manchester. By 1857, Honduras had a consulate in London, and by 1859 numbers had increased to thirty consulates throughout the country; however, by 1892 the network had decreased dramatically to two consulates, probably due to the constant political unrest and upheaval in Honduras. Numbers picked up but reached a new peak of only eleven, in 1914. Thereafter, numbers continued to fall; by 1965 there were only four, and none in 2003.<sup>267</sup> Uruguay had a consulate in Liverpool in 1850 and built up quickly to have by far the largest network, with thirty-nine consulates in 1859; this increased to a peak of forty in 1862, but after that date numbers started to decline. There were thirty-two in 1872, a figure that remained fairly stable until 1922, but by 1932 this figure was halved to fifteen; by 1942, during the early years of the Second World War, it was down to seven, which remained unchanged until at least 1965.<sup>268</sup> In 2003, Uruguay had no consulates in Britain. Guatemala had a consulate in Plymouth in 1851, one in Liverpool in 1952, and a total of six at the end of 1859. It peaked at nine in 1900, a figure it maintained with one or two dips until at least 1922. Thereafter, it gradually decreased, falling to four in

1962 and none in 1965. In 2003, there was a consulate in Belfast.<sup>269</sup> Ecuador had a consulate in Southampton in 1848, and numbers increased gradually to ten in 1900. With an occasional small exception, the decline then began, reaching six by 1932 and four by 1947. In 1965, there were five consulates; by 2003 there were none.<sup>270</sup> Argentinean independence from Spain was declared in 1816. In 1847, Buenos Ayres [sic] had a consulate in London, and by 1859 the Argentine Confederation had six throughout the country. A peak of twenty-four was reached in 1892, followed by gradual decreases: eighteen in 1902, thirteen in 1916, six in 1942, three in 1965, and none in 2003.<sup>271</sup> Panama was the last of the Central and Latin American countries to gain its independence, in 1903. It wasted little time in establishing a consular presence in Britain and by the beginning of January 1905 had a consulate in Glasgow and thirteen elsewhere in the country by 1911. A peak of twelve was reached by 1939; numbers began to decline, reaching nine in 1942, eight in 1952, and five by 1965. In 2003, there was a consulate in Liverpool.<sup>272</sup> In the same year, none of the remaining eleven Central and Latin American countries not mentioned above had consular representation in Britain other than the consular section of their embassy.<sup>273</sup> However, in the past, some had extensive consular networks in this country.<sup>274</sup>

### *Conclusion*

This chapter has shown how during the period from the late seventeenth century to the end of the twentieth century consular representation in Britain evolved from establishing individual consulates in London to creating systematised networks of consulates throughout the country. For the majority of the countries, the general pattern for the networks established by them during the period in question has been one of starting with small numbers, gradually building up, then gradually decreasing. The decrease is fairly inevitable and reflects changing patterns of trade and shipping, which no longer require large networks of consuls to service them, and also improvements in communications. As already discussed, further reasons for the reduction in numbers of consulates include the unification of Italy in 1870, the creation of the German Empire in 1871, and Ireland's gaining independence in 1922.

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<sup>1</sup> Although the FOLDCYB was first published in 1852, details of consulates did not appear until the 1859 edition. Database subsequently cited as *Database2*.

<sup>2</sup> Harry Magdoff, *Imperialism: From the Colonial Age to the Present*, New York and London, Monthly Review Press, 1978, pp.29, 34-35.

<sup>3</sup> United Nations, *Official Records of the United Nations Conference on Consular Relations, Vienna, 4 March–22 April 1963*, Vol. I, UN Document A/CONF.25/16.

<sup>4</sup> Edward W Said, *Culture and Imperialism*, London, Vintage, 1994, p.xxix.

<sup>5</sup> Unless otherwise agreed, the establishment of diplomatic relations between two countries generally implies consent to the establishment of consular relations. However, it is possible to have consular relations without having diplomatic relations. Also, the severance of diplomatic relations does not necessarily involve the severance of consular relations. VCCR, Article 2; Luke T Lee, *Consular Law and Practice*, Second Edition, Oxford, Clarendon Press, 1991, p.75.

<sup>6</sup> *The Royal Kalendar, 1783*, pp.93-4.

<sup>7</sup> Denmark, Germany, Genoa, Hanse Towns, Portugal, Prussia, Russia, Sweden, The Two Sicilies, and the United States. *The Royal Kalendar, 1799*, pp.105-6.

<sup>8</sup> Denmark, France, Netherlands, Oldenburgh, Portugal, Prussia, Russia, Sicily, Spain, Sweden, Turkey, and the US. *The London Kalendar, 1815*, pp.148-9; figure for the number of Netherlands consulates on p.148.

<sup>9</sup> In Sunderland, the countries were France, Hanover, Netherlands, Portugal, Prussia, Sweden & Norway. In Aberdeen they were Belgium, Denmark, Netherlands, Prussia, Russia, Sweden & Norway, the United States. Hull had consulates representing Belgium, Brazil, Denmark, France, Hanover, Netherlands, Oldenburg, Portugal, Prussia, Russia, Sicily, Spain, Sweden & Norway, the United States. The countries and Hanse Towns in Newcastle were: Brazil, Denmark, France, Hamburg, Hanover, Netherlands, Norway, Portugal, Prussia, Spain, Sweden, States of Mecklenburgh, and the United States. William Parson & William White, *History, directory, and gazetteer of the counties of Durham and Northumberland, and the towns and counties of Newcastle upon Tyne and Berwick-upon-Tweed, etc.*, Vol. I, pp.359 & 106 respectively, Newcastle, 1827-8; *The Aberdeen Almanac and Northern Register, 1838*, p.256; extract from untitled Yorkshire trade directory for 1838 provided by Alan Longbottom, Pudsey Civic Society; *General Directory for Newcastle, Gateshead and Places Adjacent, 1824 and Supplement, May 1839, to Richardson's Directory for the Towns of Newcastle and Gateshead*.

<sup>10</sup> Austria, Bavaria, Belgium, Bolivia, Brazil, Buenos Ayres [sic], Chili [sic], Denmark, France, Greece, Hanover, Hanse Towns, Mecklenburg-Schwerin, Monte Video [sic], Netherlands, New Grenada, Nicaragua, Oldenburgh, Portugal, Prussia, Russia, Sardinia, Saxe Weimar, Saxony, Spain, Sweden & Norway, Switzerland, Turkey, The Two Sicilies, Venezuela, Wurtemberg. *Boyle's Court Guide for April 1853*, London, pp.690-3.

<sup>11</sup> *Database2*.

<sup>12</sup> Research in International Law, Harvard Law School, II, Legal Position and Functions of Consuls, *Supplement to the American Journal of International Law*, Vol. 26, 1932, pp.376-378.

<sup>13</sup> Over the centuries there have been changes in the spelling of some countries' names and the names themselves. For example, Chili, Corea, Equator, Hayti, Jugo-Slavia, Servia, Siam, and the Sublime Porte.

<sup>14</sup> *Database2*.

<sup>15</sup> 'The Two Sicilies' united the southern part of the Italian peninsula with the island of Sicily between the mid-15<sup>th</sup> and mid-19<sup>th</sup> centuries. Following plebiscites, it was annexed to the Kingdom of Italy in 1861. In 1814 and 1815, it had consulates in London, Dover, Falmouth, Guernsey, Plymouth, and Portsmouth. *The New Encyclopaedia Britannica*, 15<sup>th</sup> Edition, Chicago, 2002, Vol. 12, p.81, Vol. 22, p.232; *The London Kalendar, 1814 and 1815*, pp.148 and 148 respectively.

<sup>16</sup> *The Royal Kalendar, 1799, 1803, 1804, 1805*, pp.105, 134, 134, and 134, respectively; *The London Kalendar, 1801 and 1802*, pp.116 and 132 respectively.

<sup>17</sup> In 1859, Parma had consulates in London and Liverpool, and Tuscany had consulates in London, Cardiff, Falmouth, Newcastle, Plymouth, and Queenstown (Ireland). FOLDCYB 1859, pp.161 and 170, respectively.

<sup>18</sup> *The Royal Blue Book. Fashionable Directory for 1827*, London, p.xviii; *Boyle's Court Guides for January 1847, April 1849, and April 1853*, London, pp.832, 876, and 692, respectively. In 1720, the island of Sardinia was ceded to Savoy by Austria in exchange for Sicily and formed the Kingdom of Sardinia with Piedmont. It became part of Italy in 1861. Norman Davies, *Europe: A History*, London, 1997, p.823; *Collins English Dictionary*, Third Edition, Glasgow, 1991, p.1375.

<sup>19</sup> The Hawaiian Islands, formerly the Sandwich Islands, were annexed by the United States in 1898 and became a US State in 1959. Despite its annexation in 1898, Hawaii continued to have sixteen consulates throughout Britain (including Ireland) as late as 1900. In May 1856, Manley Hopkins (1818-97), father of the English Jesuit priest and poet Gerard Manley Hopkins (1844-89), was appointed consul general of the Sandwich Islands (and subsequently the Hawaiian Islands) in London, a post he held for over forty years. *Official Directory, Republic of Hawaii*. [online] Available from: <http://www.cwru.edu/edocs/7/440.pdf> [accessed 7 November 2002]; FOLDCYB 1862, p.219; Manley Hopkins, [online] Available from <http://www.roydavids.com/hopkinsm.htm> [accessed 7 November 2002].

<sup>20</sup> Texas proclaimed its independence from Mexico on 2 March 1836. It was admitted to the United States under a joint resolution of Congress on 1 March 1845. *Despite this latter date, it still had a consulate* (consul general, L Mackintosh Rate) and a legation (chargé d'affaires, Hon. Ashbel Smith) in London in 1847. The United States also, of course, had a Legation in London. *Boyle's Court Guide for January 1847*, London, pp.833-4; S T Bindoff et al., eds., *British Diplomatic Representatives 1789-1852*, London, Camden Third Series, Vol. 50, 1934, p.163.

<sup>21</sup> Montenegro was ruled by hereditary princes of the Petrovic dynasty until 1918 when it united with Serbia, Croatia, and other territories to form Yugoslavia. Davies, p.644; *Collins English Dictionary*, p.1012.

<sup>22</sup> *Boyle's Court Guide for April 1853*, London, p.691. The independence of the province of *Monte Video*, stipulated by the convention of 27 August 1828 between the Argentine and Brazil, was formally proclaimed on 10 September 1829, taking the title of the Oriental Republic of Uruguay. Bindoff, p.190. But twenty-four years later in 1853 it was still listed as Monte Video, and not Uruguay.

<sup>23</sup> The Orange Free State became a province of South Africa in 1910. *Collins English Dictionary*, p.1098.

<sup>24</sup> In 1883, Servia (also known as Serbia) had a consulate in Manchester, and by 1889 others were in London, Bradford, and Liverpool. Consulates were opened in Bristol (1906) and Glasgow and Sheffield (1910). In 1918, the country's name was changed to the Kingdom of the Serbs, Croats and Slovenes, and in 1929 it became the Kingdom of Yugoslavia. Since then, there have been consulates under the various names, with additional consulates being opened in Cardiff and Newcastle in 1930. Consulates in Bradford, Bristol, Cardiff, Glasgow, Liverpool, Manchester, and Newcastle were still shown in the FOLDCYB 1947 (p.450), but are not shown in the 1952 and subsequent editions. *Webster's Royal Red Book: or Court and Fashionable Registers for May 1889 and January 1910*, pp.952 and 1073, respectively; *Database2*; Davies, pp.979, 1319.

<sup>25</sup> *Database2*.

<sup>26</sup> '... in 1997, 40 [American] states supported almost 200 state offices abroad, and 3 additional states maintained another 27 offices staffed by unpaid honorary representatives.' Timothy J Conlan and Michelle A Sager, *State Government and the World Economy: Adapting to Changes at Home and Abroad*, Public Policy Working Paper 98:1, George Mason University, Fairfax Virginia. [online] Available from <http://policy.gmu.edu/paper/wp98.htm> [accessed 31 May 2003].

<sup>27</sup> The Netherlands Ministry of Foreign Affairs considers him to be the first Dutch consul, although his title was Agent of the Republic of the United Provinces. The first representative with the title of consul was Matheo Bonado, who was appointed in 1601 to Leghorn and represented the German, Flemish, and Dutch nations. Note dated 23 March 2000 prepared for me by Mrs H J de Muij-Fleurke, Ministry of Foreign Affairs, The Hague.

<sup>28</sup> *Repertorium der Nederlandse Vertegenwoordigers residerende in het buitenland, 1584-1810*, pp.123-132. Sent to me on 23 March 2000 by Mr Hein van der Hoeven, Ministry of Foreign Affairs, The Hague.

<sup>29</sup> Davies, pp.731, 733, 1246-7.

<sup>30</sup> The Dual Monarchy consisted of what are now Austria, Hungary, the former Czechoslovakia, and parts of Poland, Romania, Yugoslavia, the Ukraine, and Italy. Davies, pp.805, 921; *Collins English Dictionary*, p.101; FOLDCYB 1947, p.363.

<sup>31</sup> Bindoff, pp.9, 13.

<sup>32</sup> FOLDCYB 1933, p.477.

<sup>33</sup> In 1945 the allied powers occupied Austria and divided it into four zones. This lasted until 1955, when the ratification of the Austrian State Treaty paved the way for the withdrawal of the occupying powers, achieved in October of that year. FOLDCYB 1947, p.364; Elliott & Summerskill, p.28.

<sup>34</sup> *London Kalendars 1797 to 1807; Royal Kalendars 1783 to 1807*. The Minister (Envoy Extraordinary and Minister Plenipotentiary) was the Comte de Stahremberg, the Consul 'Monsieur' Songa. It seems likely that the earlier references to 'Germany & Hungary' in the *Kalendars* should have been to 'the Holy Roman Empire'.

<sup>35</sup> *Database2*.

<sup>36</sup> *Ibid*.

<sup>37</sup> The first post-World War I consul in Birmingham was Edwin Elliott, a local businessman, who served from 1925 until the Anschluss in March 1938. At the Anschluss, he was travelling in Czechoslovakia on business. One of his daughters was the consulate secretary. She received a telegram from the German Embassy ordering her father to stop all consular functions and to fly the Swastika flag over the consulate. She refused to do so, firstly because she did not have the flag, and secondly because she feared that if she had flown one, local people would smash the windows. When her father returned, he spoke to the German consul in Birmingham, Mr Baedeker (a good friend) who said he had been instructed to take over the Austrian consulate files, etc., 'There was ten and sixpence left in the kitty, which had not been sent to London, so Mr Baedeker told my father to "take your family out" with the money.' Letter received in April 2000, from Margery Elliott, surviving daughter of Edwin Elliott.

<sup>38</sup> *Database2*.

<sup>39</sup> An early example of this practice occurred in 1790, when the first British consulate in the newly independent United States was opened in Boston one year before the two countries had established formal diplomatic relations. Eugene H Berwanger, *The British Foreign Service and the American Civil War*, Lexington, University Press of Kentucky, 1994, p.1.

<sup>40</sup> *Database2*.

<sup>41</sup> Letter dated 28 March 2003 to me from Dr Christopher Baxter, FCO, Historians, Records and Historical Department, London; Mr Atkinson to Mr Lennox-Boyd, 26 February 1991, in United Kingdom, Parliamentary Debates, Commons, Vol. 186, No. 64, Written Questions, col. 459; FOLDCYB 1947, pp.367, 370; Davies, p.1256.



<sup>42</sup> Letter dated 28 March 2003 to me from Dr Christopher Baxter, FCO. British Ambassadors were appointed to Estonia and Lithuania on 8 October 1991, and to Latvia on 2 February 1992. *Diplomatic Service List 1998*, pp.106, 111, 110, respectively.

<sup>43</sup> Nan Milton, *John Maclean*, Glasgow, Pluto Press, 1973, p.155; John Broom, *John Maclean*, Loanhead, Macdonald, 1973, p.98.

<sup>44</sup> *Database2*.

<sup>45</sup> *Ibid.*

<sup>46</sup> *Ibid.*

<sup>47</sup> *Whitaker's Almanack 1949*, p.892; *Collins English Dictionary*, p.142; Davies, p.804; Elliott and Summerskill, p.37.

<sup>48</sup> J Willequet, 'The [Belgian] Ministry of Foreign Affairs', Zara Steiner, ed., *The Times Survey of Foreign Ministries of the World*, London, Times Books, 1982, p.79.

<sup>49</sup> *The Aberdeen Almanac and Northern Register for 1838*, p.256; *Database2*.

<sup>50</sup> *Database2*.

<sup>51</sup> United Kingdom, *Statistical Abstract for the United Kingdom in each of the last Fifteen Years from 1857 to 1871*, Nineteenth Number, C.609, London, 1872, Table No. 14, p.19.

<sup>52</sup> Although these were appointees to existing posts which had fallen vacant it is nevertheless relatively unusual for such a large number of consuls to be appointed on the same date.

<sup>53</sup> *Database2*.

<sup>54</sup> *Ibid.*, and information supplied to me by the Belgian Embassy.

<sup>55</sup> Elliott and Summerskill, p.95.

<sup>56</sup> In the 1860s, the autonomous Grand Duchy of Finland under the Tsar of Russia unsuccessfully floated the idea of having an independent Finnish consular agent in several places, including London, Marseilles, Constantinople, Alexandria, and Quebec. However, in 1887 the Russian Foreign Ministry agreed that a Finn, Alarik Ornhjelm, should be appointed to the Russian Consulate General in London. He was paid by the Finnish Government but 'was answerable to the Russian Foreign Ministry. ... His remit stated that he "must follow closely all the facts which may influence favourably the interests of Finnish commerce and navigation as well as draw up reports on the money market, the marketing of Finnish Export Goods etc"'. This appointment can be considered in a historical context as the first "de facto Finnish Consul in Great Britain, and, indeed in the whole world".' G Alastair Lean, *As It Was in the Beginning: Finnish Consular Representation in the United Kingdom 1919-1994. Some Outline Notes*, (No publication details shown), p.9.

<sup>57</sup> In 1919, Hull was the main UK trading port for Finnish trade and was also important for passengers travelling to and from Finland. Many thousands of Finnish emigrants arrived at the port *en route* for North America, travelling across England to Liverpool. *Ibid.*, pp.58, 67.

<sup>58</sup> *Ibid.*, pp.10-15, 58, 67, 76. This publication states that Captain Ambrose Good of Hull was the first Finnish Consul to be appointed in Britain (p.10). However, all three of the consuls appointed in 1919 had the same Exequatur date (20 December 1919), but the dates of appointment are Livingstone Holmes, Liverpool (14 October 1919), John Tinline Steel, Newcastle (17 October 1919), and Ambrose Good, Hull (1 November 1919), pp.67, 76, and 58 respectively. On this basis, therefore, Holmes of Liverpool is first and Good of Hull is third of the initial appointees.

<sup>59</sup> Immediately after the Second World War Finland set up an official mission in London with the title of Office of the Political Representative of Finland which, de facto, carried out most of the normal functions of a full diplomatic mission. In April 1946, the then Foreign Office granted the honorary Finnish consuls in Cardiff, Glasgow, Hull, and Liverpool 'such measure of informal recognition as officers in charge of Finnish Consulates as will enable them to perform essential consular functions.' Extracted from speech notes made by Mr Berndt-Erik Söderstrom, Finnish Consul, Manchester and sent by him to me in September 2000. Mr Söderstrom died on 31 December 2002. He was particularly helpful to me during this study.

<sup>60</sup> *Database2*; Davies, pp.1013, 1088; FOLDCYB 1964, p.484.

<sup>61</sup> G Alastair Lean, pp.69-70. Although Bell published an autobiography (*Land of Lakes: Memories Keep me Company*, London, Robert Hale, 1950), it contains no references to his years as Finnish Honorary Consul General in London, from 29 December 1930 to 4 October 1939, and from 8 April 1948 to 11 December 1950. It deals solely with his time in Finland as British Chargé and thereafter for many years as a businessman in the timber trade.

<sup>62</sup> Letter dated 22 October 1997 to me from Henri Zuber, Ministère de la Culture, Direction des Archives de France, Centre historique des Archives nationales, Service de la Recherche, Paris.

<sup>63</sup> Bindoff, p.48.

<sup>64</sup> Centre des Archives Diplomatiques Nationales, Paris, *Répertoire numérique*, February, 1995; *London Kalendar 1815*, p.148.

<sup>65</sup> Maurice Degros, 'Les Créations de Postes Diplomatiques et Consulaires Français de 1815 à 1870,' *Revue d'Histoire Diplomatique*, 1986, 1-2, p.25.

<sup>66</sup> Parson and White, pp.106, 318, 359; the Newcastle post was upgraded to a career post in 1842, Degros, pp.27-8; the upgrading of the Birmingham post and the establishment of the Leeds post were a consequence of conditions laid down in the Franco-British Treaty of Commerce 1860 which required British exporters to have French consuls or consular agents in the UK certifying that goods entering France from the UK were of British origin; Degros, pp.28-9; *Database2*.

<sup>67</sup> *Database2*.

<sup>68</sup> *Ibid.*

<sup>69</sup> Davies, pp.762, 824-6; Elliott & Summerskill, pp.145-6; Bindoff, pp.56-7.

<sup>70</sup> *The Royal Kalendar for the Year 1774*, p.100.

<sup>71</sup> *Database2*.

<sup>72</sup> *Ibid.* One of the earliest was Hanover, which had consulates in London and Weymouth from at least 1816, and Deal, Dover, and Ramsgate from 1817. *The London Gazette*, 7 May 1816 (p.849), 8 October 1816 (p.1937), and 24 May 1817 (p.1207).

<sup>73</sup> *The Royal Kalendar, 1771*, p.100.

<sup>74</sup> *Database2*; FOLDCYB 1941, p.497. The Hanse Towns are listed in the various FOLDCYBs as 'Hanse Towns', 'Hanse Towns—Bremen', 'Hanse Towns—Hamburg', and 'Hanse Towns—Lubeck'.

<sup>75</sup> 'The citizens of Hamburg still take pride in registering their cars under the ancient municipal formula of "HH" (Hanselstadt Hamburg). Bremeners display "HB"; Lübeckers "HL".' Davies, pp.340-1.

<sup>76</sup> A tangible reminder of the former importance and extent of Britain's trading links with the Baltic ports can be seen in the Baltic Exchange buildings that are still to be found in many towns and cities. The Baltic Exchange in London functions as an international shipping and brokerage institution.

<sup>77</sup> In 1847 Frankfort had a consulate in London, and by 1854 it had one in Liverpool. *Boyle's Court Guide for January 1847*, p.831; *Database2*.

<sup>78</sup> Davies, p.556.

<sup>79</sup> *The Royal Kalendar, 1783*, p.93.

<sup>80</sup> Bindoff, pp.99-100.

<sup>81</sup> *The Plymouth, Plymouth-Dock & Stonehouse General Directory for 1814*, p.90; *Royal Blue Book for 1827*, p.xvii; *Parson & White, 1827*, pp.106, 359; *The Aberdeen Almanac and Northern Register for 1838*, p.256; extract from untitled Yorkshire trade directory for 1838 provided by Alan Longbottom, Pudsey Civic Society; *A History of Hartlepool with a Supplementary History to 1851 inclusive*, Republished by Hartlepool Borough Council, 1978; *Database2*.

<sup>82</sup> *Database2*.

<sup>83</sup> *Ibid*.

<sup>84</sup> *Ibid*.

<sup>85</sup> *Ibid*.

<sup>86</sup> *Ibid*.

<sup>87</sup> Domna Dontas, 'The Greek Foreign Ministry', Steiner, p.262.

<sup>88</sup> Jonathan Harris PhD, *London's Greek Community*, Greek Orthodox Cathedral of the Divine Wisdom (St Sophia) [online] Available from <http://www.stsophia.org.uk/ecomunity.html> [accessed 23 August 2003], *Boyle's Court Guide for January 1847*, p.831; FOLDCYB 1862.

<sup>89</sup> *Database2*.

<sup>90</sup> *Ibid*.

<sup>91</sup> *Ibid*.

<sup>92</sup> Elliott and Summerskill, pp.176-7; *Whitaker's Almanack 1949*, p.936; Davies, pp.367, 524-5; *Collins English Dictionary*, pp.936, 966.

<sup>93</sup> *Database2*.

<sup>94</sup> *Ibid*.

<sup>95</sup> *The Icelandic Foreign Service: Historical Background*. [online] Available from the Embassy's Website <http://www.iceland.org.uk> [accessed 25 March 2003].

<sup>96</sup> Letter dated 5 September 2000 to me from Petrina Bachmann, Embassy of Iceland, London.

<sup>97</sup> Although the Winnipeg Consul, Mr Grettir Leo Johannsson, was appointed in 1938 his exequatur from the [British] Foreign Office was not issued until 1942. Sigursteinn Magnússon (father of the broadcaster, journalist, and author Magnus Magnusson) was appointed in 1940 and his exequatur was issued by the Foreign Office on 7 March 1941. Although his exequatur was issued before that of Johannsson, the Icelandic Ministry of Foreign Affairs still considers Johannsson to be their country's first honorary consul. Letter dated 11 December 2001 to me from Magnus Magnusson; my correspondence in April 2003 with Ms Hjördís Gunnarsdóttir, Consular Liaison Officer, Ministry of Foreign Affairs, Reykjavik, Iceland; address by Mr Sverrir Haukur Gunnlaugsson, Permanent Secretary of State, Ministry for Foreign Affairs, Iceland on the occasion of the Fifth Consular Conference, Reykjavik, 3 September 2001. [online]

Available from  
<http://www.mfa.is/embassy/mfa.nsf/form/content.html?openForm&wt=4B0130372E30352E30322E3031004CO1454E4700> [accessed 14 December 2001].

<sup>98</sup> *Database2*.

<sup>99</sup> *Ibid.*

<sup>100</sup> Elliott and Summerskill, p.195.

<sup>101</sup> *Database2*.

<sup>102</sup> Press Releases issued by Department of Foreign Affairs, Dublin, 9 June 1998 and 26 May 1999.

<sup>103</sup> Davies, p.823.

<sup>104</sup> *Ibid.*, p.824.

<sup>105</sup> *The Royal Kalendar, 1799, 1803-1805*, pp.105 and 134, respectively; *The London Calendar, 1801-2*, pp.116 and 132, respectively; Bindoff, p.55.

<sup>106</sup> *The Royal Kalendar, 1797*, p.105; *Database2*; *Collins English Dictionary*, p.1435; FOLDCYB 1868, p.48(a). Diplomatic relations between The Two Sicilies and Britain were suspended between October 1856 and June 1859. FOLDCYB 1932, p.486.

<sup>107</sup> *Database2*; FOLDCYB 1859 and 1862, pp.165 and 213, respectively.

<sup>108</sup> *Collins English Dictionary*, p.1375.

<sup>109</sup> *Database*; Bindoff, p.172; FOLDCYB 1868, p.48(b).

<sup>110</sup> *Database2*.

<sup>111</sup> *Ibid.*

<sup>112</sup> *Ibid.*

<sup>113</sup> *Ibid.*

<sup>114</sup> Elliott and Summerskill, p.246.

<sup>115</sup> *Database2*.

<sup>116</sup> *Ibid.*

<sup>117</sup> *Ibid.*

<sup>118</sup> Information from Netherlands Embassy.

<sup>119</sup> Leo Francis Stock, ed., *Consular Relations between the United States and the Papal States: Instructions and Despatches*, Washington DC, American Catholic Historical Association, 1945, pp.xi-xx; Hyginus Eugene Cardinale, *The Holy See and the International Order*, Gerrards Cross, Colin Smythe Ltd., 1976, p.282.

<sup>120</sup> Cardinale, p.283.

<sup>121</sup> *Ibid.*

<sup>122</sup> *Ibid.*, p.284.

<sup>123</sup> Argentina, Austria, Bavaria, Belgium, Bolivia, Brazil, Chile, the Swiss Confederation, the Confederation of North Germany, Costa Rica, Denmark, England, The Two Sicilies, Ecuador, France, Greece, Guatemala, Mexico, New Granada, Peru, Portugal, Russia, Saxony, Spain, the United States, Sweden-Norway, Tuscany, Tunisia, Uruguay, and Wurtemberg. *Ibid.*, p.283.

<sup>124</sup> In 1868, Rome, Porto Anzio, and Civita Vecchia; in 1870, ports not specified, simply that 'England' had consulates in the various pontifical ports. FOLDCYB 1868, p.35; Cardinale, p.283.

<sup>125</sup> Declarations exchanged between the Governments of Great Britain and of the Roman States, for securing National Treatment to the Vessels and Commerce of the one Country in the Ports of the other, November 17, 1853. *Hertslet's Commercial Treaties*, Vol. IX, London, Butterworths, 1856, pp.671-2.

<sup>126</sup> For definitions of citizens of the Vatican City, see *Law respecting Citizenship and Residence in the Vatican City. The Vatican, June 7, 1929*, articles 1 and 2. British and Foreign State Papers, with which is incorporated Hertslet's Commercial treaties, 1929, Part 1, Vol.CXXX, London, HMSO, 1934, p.1018. [original text in *Acta Apostolicae Sedis*, 8 June 1929, (supplement)]. When they are travelling abroad, Vatican City citizens have their consular rights protected by the apostolic nunciatures, whose diplomatic status is universally recognised and whose nuncios and counsellors have Vatican City passports. Nunciatures have no consular responsibilities towards any other members of the Church throughout the world, who as nationals of sovereign states are represented abroad by their own state's diplomatic and consular officers.

<sup>127</sup> Cardinale, p.289.

<sup>128</sup> Monsignor (later Cardinal) William Godfrey, Rector of the Venerable English College in Rome. *The Times*, London, 23 November 1938.

<sup>129</sup> Lord Gore-Booth, ed., *Satow's Guide to Diplomatic Practice*, Fifth Edition, London, Longman, 1979, Chapter 11, paragraph 13; Cardinale, p.139.

<sup>130</sup> Geoffrey R Berridge, *Talking to the Enemy: How States without 'Diplomatic Relations' Communicate*, Basingstoke, The Macmillan Press, 1994, p.55.

<sup>131</sup> By this time, it was Britain's sole remaining legation. The reason for the upgrading was given by the Lord Privy Seal as the *rectification of an historical anomaly*. *United Kingdom, House of Commons Debates*, Vol. 16, Written Answers, cols. 245-6, 25 January 1982; FOLDCYB 1964, p.485; Diplomatic Service List 2000, p.112.

<sup>132</sup> The diplomatic status of a nuncio is conferred by several sources: The Regulation of Vienna 1815 (agreed by the Congress of Vienna that year), and the Vienna Convention on Diplomatic Relations 1961 (VCDR). The Holy See signed and ratified the VCDR and, later, the Vienna Convention on Consular Relations 1963 (VCCR). For Canon Law definition, see *The Code of Canon Law*, Canon Law Society Trust, London, Collins, 1983, Canon 365.

<sup>133</sup> Letter dated 17 February 1998 to me from Archbishop Bruno Heim.

<sup>134</sup> Letter dated 26 February 1998 to me from Archbishop Luigi Barbarito.

<sup>135</sup> Davies, p.826; Elliott and Summerskill, pp.310-11.

<sup>136</sup> *Whitaker's Almanack 1949*, p.969; Elliott and Summerskill, pp.310-11.

<sup>137</sup> *Whitaker's Almanack 1949*, p.969; FOLDCYB 1918, p.373.

<sup>138</sup> *Database2*.

<sup>139</sup> *Ibid.*

<sup>140</sup> Treaty of Peace, Friendship, and Alliance between England and Portugal. Signed at London, 16 June 1373. *British and Foreign State Papers 1812-1814*, Vol. I, Part I, London, 1841, p.462.

<sup>141</sup> George P Cuttino, *English Medieval Diplomacy*, Bloomington, Indiana, Indiana University Press, 1985, p.14. The formal name is: Treaty of Alliance between England and Portugal, signed at Windsor, 9 May 1386. *British and Foreign State Papers 1812-1814*, Vol. I, Part I, London, 1841, p.468.

<sup>142</sup> Elliott and Summerskill, p.313; Davies, p.804; *Collins English Dictionary*, p.1214.

<sup>143</sup> *The London Calendar, 1794*, p.105. Conducting marriage services has for long been a consular function, although foreign consuls are no longer permitted to exercise this in Britain. Such services were regularly performed in the Portuguese Embassy Chapel, London in the eighteenth century when Roman Catholic services were forbidden elsewhere in the country. J Cyril M Weale, ed., *Registers of the Catholic Chapels Royal and of the Portuguese Embassy Chapel 1662-1829*, Vol. I Marriages, London, Catholic Record Society, 1941, pp.xxi-xxii.

<sup>144</sup> For many years, Bristol enjoyed a thriving port wine trade with Portugal, particularly with the city of Oporto. An indication of the importance attached to Bristol by the Portuguese was the decision to establish a consulate general there, still in existence in 1872, but thereafter downgraded to a consulate and then a vice consulate. The only other one outside London at the time, and since, was in Birmingham; it too was downgraded, but before Bristol. The first consul general in Bristol was Antonio Barão de Mascarenhas (1790?-1861). He began his consular career in Liverpool in 1812 where he remained until 1817, when he was transferred to Dublin. He was appointed consul general in Bristol in 1820, remaining there until 1832. He then fell foul of his Ministry of Foreign Affairs, possibly through seeking to obtain promotion to another post, was removed from office, but found favour again in 1835, was re-appointed consul general in Bristol and remained there until his death in 1861. He was a prolific writer, with many publications to his name in the fields of consular affairs and mathematics. Documents enclosed with letter dated 25 October 1997 to me from de Mascarenhas's great great granddaughter, Mrs Patricia Andrews.

<sup>145</sup> Copy of Directory forwarded by Mrs Patricia Andrews.

<sup>146</sup> *Database2*.

<sup>147</sup> *Ibid*.

<sup>148</sup> *Ibid*.

<sup>149</sup> The Russia Company, also known as the Muscovy Company, was an English trading company formed to discover a north-east passage to China and the East Indies; it failed to do so, ending up in north west Russia. It received a royal charter in 1555 giving a monopoly to trade with Russia. Although it lost the monopoly in 1698 it continued to trade, surviving as a City of London institution until 1917. An unusual feature of the Company, laid down in its charter, was that it should be governed by two governors, four 'consuls', and twenty-four assistants. However, it is clear that the duties of the consuls, who served for one year only, related solely to the administration of the Company. T S Willan, *The Early History of the Russia Company 1553-1603*, Manchester, Manchester University Press, 1956, pp.7-9; *The New Encyclopaedia Britannica*, Vol. 8, Micropaedia, 15<sup>th</sup> Edition, Chicago, 2003, p.439; *The Columbia Encyclopedia*, Sixth Edition, [online] Available from <http://www.bartleby.com/65/mu/MuscovyC.html> [accessed 21 May 2003].

<sup>150</sup> Alexander Baxter traded as 'Alex. Baxter & Wm Mair, Merchants, 26 Clement's Lane, Lombard Street'. One of his more unusual activities as consul was the placing of an order with the Wedgwood Company in March 1773 for an extensive and costly dinner and dessert service for Catherine II (Catherine the Great), Empress of Russia which has become known as 'The Frog Service'. In his capacity as a member of the Russia Company he had also placed an earlier order in 1769 for '4 sets of Queens Ware, 290 items in each set' to be despatched to Russia. *Kent's Directory for the year 1794: Cities of London and Westminster, & Borough of Southwark*; Michael Raeburn, 'The Frog Service and its Sources', *The Genius of Wedgwood*, p.134. Wedgwood MS E31-23273, Alexander Baxter to Wedgwood; Gaye Blake Roberts, 'Josiah Wedgwood's Trade with Russia', *The Genius of Wedgwood*, p.217. Letter

dated 19 May 2003 to me from Mrs Lynn Miller, Information Officer, The Wedgwood Museum, Barlaston, Stoke on Trent.

<sup>151</sup> Bindoff, pp.109, 111. The 1800-1801 rupture in diplomatic relations between Britain and Russia, was caused by (a) the Tsar's request that Lord Whitworth, the British Minister, be withdrawn because 'he found him displeasing', (b) the ordering of the British Consul General in St Petersburg to 'quit the Empire', and (c) embargoes being laid upon British property and ships at Cronstadt. In consequence the Foreign Office informed Alexander Baxter in 1800 that his functions as Russian Consul General in London were suspended. *A British Digest of International Law*, Vol. 8, 1965, p.63.

<sup>152</sup> *The Gentleman's Magazine*, October 1849, obituary of Sir Edward Thomason, Russian Vice Consul, Birmingham, 1815; *London Kalendar 1814*, p.148; *The Aberdeen Almanac and Northern Register, 1838*; p.256; extract from untitled Yorkshire trade directory for 1838 provided by Alan Longbottom, Pudsey Civic Society; *A History of Hartlepool, op. cit.*; *Database2*.

<sup>153</sup> United Kingdom, *Census of England and Wales 1911*, General Report, Cd 8491, London, 1917, p.219.

<sup>154</sup> *Database2*. While in office, Baron Alphonse de Heyking, who was Russian Consul General in London from 1909 until at least 1916 (previously Consul in Newcastle 1899 to 1908), wrote a very useful book setting out in fascinating detail the duties and responsibilities of Imperial Russian consuls, both career and honorary: Alphonse de Heyking, *A Practical Guide for Russian Consular Officers and All Persons having Relations with Russia*, Second Edition, London, P S King & Son, 1916.

<sup>155</sup> Elliott and Summerskill, p.387.

<sup>156</sup> William Clarke, *The Lost Fortune of the Tsars*, London, Weidenfeld & Nicolson, 1994, pp.250-1.

<sup>157</sup> Letter dated 5 January 1918 from Maxim Litvinoff to John Maclean, Glasgow Caledonian University, Research Collections, Gallacher Memorial Library, John Maclean File CS 3.V.8. The Russian Consulate had been located at 17 Blythswood Square, Glasgow. In February, Maclean opened the Soviet consulate in new premises at 12 Portland Street. However, his appointment was not recognised by the Government. Litvinoff was informed: 'HM Government cannot admit the right of the present authorities in Petrograd to appoint consuls'. Nor did it help matters when Robert Munro (later, Lord Alness), the Secretary for Scotland, made his views on Maclean known to Prime Minister Lloyd George. On 20 February 1918 he wrote: 'Mr Barnes [George Barnes, Labour MP for Glasgow (Gorbals)] told us at breakfast this morning that the War Cabinet were today to discuss the regularisation of the relations of this country with Russia. May I put one point of view which is not, I think, unimportant? John Maclean—a convict on license [sic], whose name you will remember—has written to inform me that he has been appointed Russian Consul at Glasgow. His present activities on the Clyde and in the labour world generally are most mischievous. Adamson [William Adamson, who became first Labour Secretary for Scotland in 1924, and later Secretary of State for Scotland from 1929-31] tells me that his malign influence is widespread. While not desiring to take a parochial view of Mr Maclean, I should deplore the adoption of any course which would strengthen this man's hand in the lower strata of the labour world.' House of Lords Record Office, Hist. Coll. 192, Lloyd George Papers, F/1/7/15. The Post Office refused to deliver mail to the 'consulate', and letters were returned to senders informing them that it was not recognised by the government. Police raided the 'consulate' on two occasions: on 22 March 1918, they arrested the Russian secretary, Louis Shammes, and deported him as an alien; the following month, on 15 April, Maclean was arrested there on charges under the Defence of the Realm Act, a constant feature of both his earlier and later political career. A few weeks later, in May, he went on trial in Edinburgh; he was found guilty, receiving a five years sentence but released in the aftermath of the armistice ending the First World War. John Broom, *John Maclean*, Loanhead, Macdonald Publishers, 1973, pp.96-9; Guy A Aldred, *John Maclean*, 'The Word' Library—No. 3, Glasgow, The Strickland Press, 1940, pp.21-2.

<sup>158</sup> My telephone conversation with consular officer, Russian Consulate General, Edinburgh, 28 February 2003; questionnaire completed by Russian Honorary Consul, Southampton for *Consular Survey*.

<sup>159</sup> Elliott and Summerskill, p.285.

<sup>160</sup> The eleven consulates were: Amsterdam (c1640), Novgorod (1645), Moscow (1649), Danzig (1650), Helsingör [Elsinore] (1655), Lisbon (1663), Hamburg (1681), Pleskow (1683), Cadiz (1694), Bordeaux (1705), and Leghorn (1720). Letter dated 7 April 2000 to me from Mr Sven Johansson, Swedish Ministry for Foreign Affairs, Stockholm.

<sup>161</sup> Ibid., and documentation supplied with the letter.

<sup>162</sup> *The Royal Kalendars for the Years 1783, 1785, 1791, 1797, 1799, 1803, 1804, 1805, and 1807*, pp.93, 105, 105, 105, 134, 134, 134, and 135, respectively; *The London Kalendars for the Years 1794, 1801, 1802, and 1814*, pp.105, 116, 132, and 148, respectively.

<sup>163</sup> *General Directory for Newcastle, Gateshead and Places Adjacent, 1824*.

<sup>164</sup> Located in London, Bristol, Hull, Leith, Liverpool, Plymouth, and Swansea; compiled from documents enclosed with letter dated 7 April 2000 to me from Mr Sven Johansson, Swedish Ministry for Foreign Affairs, Stockholm.

<sup>165</sup> *Database2*.

<sup>166</sup> *Pitman's Business Man's Guide*, London, 1907.

<sup>167</sup> *Database2*.

<sup>168</sup> Klaus Kjølsten, 'The Royal Danish Ministry of Foreign Affairs', Steiner, pp.171-2.

<sup>169</sup> Klaus Kjølsten, *The Foreign Service of Denmark 1770-1970*, Copenhagen, Danish Foreign Ministry Press & Information Department, 1970, p.16; *The Consular Corps in Edinburgh and Leith 1942-1992, Golden Jubilee Handbook*, Edinburgh, 1992, p.30.

<sup>170</sup> *The Royal Kalendar, 1770*, London, p.100.

<sup>171</sup> Letter dated 22 April 1991 to me from Colin Mussett, Lord Mayor's Secretary and City Protocol Officer, Newcastle; Louis D Melnick, *Eskildsen/Eskildson family of Denmark, Ireland, and the United States of America: A Preliminary Report on the Ancestors and Descendants of George Eskildson (1738-1807), who was the Danish Consul in Dublin, Ireland from 1791-1807*, Chicago, 1968.

<sup>172</sup> Klaus Kjølsten, 'The Royal Danish Ministry of Foreign Affairs', Steiner, pp.171-2.

<sup>173</sup> *The Aberdeen Almanac and Northern Register for 1838*, p.256; extract from untitled Yorkshire trade directory for 1838 provided by Alan Longbottom, Pudsey Civic Society; *Database2*.

<sup>174</sup> *Database2*.

<sup>175</sup> Klaus Kjølsten, 'The Royal Danish Ministry of Foreign Affairs', p.171.

<sup>176</sup> *Database2*.

<sup>177</sup> Royal Danish Embassy, [online] Available from <http://www.denmark.org.uk/consulates.htm> [accessed 18 February 2003].

<sup>178</sup> *Boyle's Court Guide for January 1847*, p.833; *The London Calendar, 1794*, p.105; extract from untitled Yorkshire trade directory for 1838 provided by Alan Longbottom, Pudsey Civic Society.

<sup>179</sup> Bindoff, pp.141, 147; *Database2*.

<sup>180</sup> *Database2*.



<sup>181</sup> Elliott and Summerskill, pp.361-2; Davies, pp.404, 1257; *Collins English Dictionary*, p.1560; Bindoff, pp.157-8; Gérard Arlettaz & François Jequier, 'Les Rapports Consulaires de la Confédération Suisse', *Business History*, No. 3, Vol. XXIII, Nov. 1981, p.298.

<sup>182</sup> Bindoff, pp.157-8.

<sup>183</sup> *Royal Blue Book for 1827*, p.xviii; *Database2*.

<sup>184</sup> *Database2*.

<sup>185</sup> *Ibid*.

<sup>186</sup> *Ibid*.

<sup>187</sup> Davies, pp.386, 448-50; Elliott & Summerskill, pp.382-4; *Whitaker's Almanack 1949*, pp.986-7.

<sup>188</sup> In view of its long existence, the Ottoman Empire might have been expected to enter the consular scene much earlier than it did. One writer has suggested: 'The Ottomans clung stubbornly to the illusion of Islam's innate moral and cultural superiority over Christian Europe. They expressed this belief in their ideas of self-sufficiency and in their practice of non-reciprocal diplomacy. The Muslim prejudice that whatever was western was tainted prevented the Ottomans from wholly accepting or imitating western ways.' Thomas Naff, 'Reform and the Conduct of Ottoman Diplomacy in the Reign of Selim III, 1789-1807', *Journal of the American Oriental Society*, Vol. 83, 1963, p.296.

<sup>189</sup> Elliott & Summerskill, pp.382-4.

<sup>190</sup> Sinan Kunalalp, 'The Ministry of Foreign Affairs under the Ottoman Empire and the Turkish Republic,' Steiner, pp.499-500; *The London Kalendar, 1815*, p.148; Bindoff, pp.166, 168.

<sup>191</sup> Kunalalp, op. cit., pp.499-500; Bindoff, pp.166, 168; Bernard Lewis, *What Went Wrong? Western Impact and Middle Eastern Response*, London, Phoenix, 2002, p.47; *Database2*.

<sup>192</sup> *Almanach de Gotha: Annuaire Généalogique, Diplomatique et Statistique 1911*, Gotha, 1910, p.905.

<sup>193</sup> FOLDCYB 1929, p.486; Davies, p.901.

<sup>194</sup> *Database2*.

<sup>195</sup> United Kingdom, *Statistical Abstract for the United Kingdom in each of the last Fifteen Years from 1857 to 1871*, Nineteenth Number, C.609, London, 1872, Table No. 14, p.18.

<sup>196</sup> Wray Vamplew, *Salvesen of Leith*, Edinburgh, Scottish Academic Press, 1975, p.19.

<sup>197</sup> Denis Wright, *The Persians Amongst the English: Episodes in Anglo-Persian History*, London, I B Tauris, 1985, p.221.

<sup>198</sup> Located in London, Dover, Glasgow, Hull, Leeds, Manchester, Newcastle, and Sheffield. *Database2*.

<sup>199</sup> Located in London, Bradford, Dover, Dublin, Glasgow & Edinburgh, Hull, Leeds, Manchester, and Newcastle. *Ibid*.

<sup>200</sup> In 1932, the consulates were in London, Cardiff, Dover, Hull, Leeds, and Manchester. *Ibid*.

<sup>201</sup> Lee, p.54.

<sup>202</sup> This incident was sparked off by the arrest of one of the Iranian consular staff in Manchester for failing to appear in court on a shoplifting charge. Iran complained about the charge and alleged that violence had been inflicted on the official. *Ibid.*, pp.57, 462.

<sup>203</sup> *Database2*.

<sup>204</sup> *Ibid.*, and telephone conversations with member of staff of the Tunisian Embassy. The unique circumstances leading to the establishment of the Libyan consulate, or 'People's Bureau', are described in the section on the Consular Survey.

<sup>205</sup> Bristol, Falmouth, Liverpool, London, and Plymouth. FOLDCYB 1859, p.158.

<sup>206</sup> *Database2*. Liberia was founded in 1820 by the philanthropic American Colonization Society as a country for freed slaves from the United States, becoming an independent republic in 1847. Elliott and Summerskill, p.229.

<sup>207</sup> Telephone calls and correspondence failed to produce a response from the Liberian Embassy regarding the number and location of its consulates.

<sup>208</sup> *Database2*. Dutch-speaking settlers (Boers or Afrikaners) founded the South African Republic (or Transvaal) in 1836. In 1902, it became a British colony and was promised self-government by Britain; in 1910 the Union of South Africa was established. The Union became the Republic of South Africa on 31 May 1961. Elliott and Summerskill, pp.344-5; *Collins English Dictionary*, p.637.

<sup>209</sup> *Database2*. The Belgian Congo became the Congo Free State in 1885, with Leopold II King of the Belgians as its personal sovereign. It became a Belgian colony when it was officially annexed in 1907 and achieved independence on 30 June 1960. Elliott and Summerskill, pp.37 and 85.

<sup>210</sup> The consulate locations are: Benin (London), Congo (London), Côte d'Ivoire (thought to be Aberdeen, Birmingham, and Southport; the Embassy would not respond to my correspondence about locations), Guinea (London), Guinea-Bissau (London), Madagascar (London), Malawi (Irvine), and Mauritania (London). *London Diplomatic List*, June 2003, pp.103-105; *Consular Survey*.

<sup>211</sup> Under the Treaty, Britain established consulates in Canton, Fuzhou, Xiamen, Ningbo, and Shanghai. D C M Platt, *The Cinderella Service: British Consuls Since 1825*, London, Longman, 1971, p.182; Jonathan D Spence, *The Search for Modern China*, London, Hutchinson, 1990, p.159.

<sup>212</sup> The consulate general had been established by the Imperial Chinese Government; it was closed by the Republican (Nationalist) Government which had come into power in 1912. During the post's final eighteen years the Consul General was Tan Pao-shen. Letter dated 25 May 1999 to me from Chien Shih-chung, Director, Office of Personnel, Ministry of Foreign Affairs, Taipei, Republic of China.

<sup>213</sup> The Manchester Vice Consulate was closed on 6 November 1947, and during its eighteen years was headed by only two consuls: Yang Mien-Huang (1929-44) and Kenneth H C Lo (1945-47). The Liverpool Consulate was closed on 14 January 1950 and was also headed by only two consuls during its seventeen and a half years: Tao Ying (1932-44) and Lo Ming Shan (1945-50). *Ibid.*; *Database2*.

<sup>214</sup> Lo (1913-1995), born Hsiao Chien not Kenneth, came from a diplomatic family; his father, Lo Tsung Hsien, had been a diplomat in the Chinese Legation in London in 1919 (by 1922 vice consul) and his grandfather, Sir Chichen Loh Fêng, was Envoy Extraordinary and Minister Plenipotentiary there in 1897 and was knighted by Queen Victoria. My correspondence in March and April 1999 with Graham S Cheong, who joined the Liverpool Consulate in 1942 and was employed for eighteen months; FOLDCYB 1902, pp.397 and 1922, p.463; *Brushstrokes: A Collection of British Chinese Writing and Drawing*, January 1998, June 1998, October 1998, and June 1999; *Who Was Who 1991-95*, London, p.338; FOLDCYB 1902, p.397; obituary, *The Times*, London, 14 August 1995.

<sup>215</sup> The first consul general was Weng Fupei. Information from Chinese Embassy.

<sup>216</sup> The first consul general was Liu Junbao. *Ibid.*

<sup>217</sup> Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China on the Establishment of a British Consulate-General at Shanghai and a Chinese Consulate-General at Manchester. Beijing, 17 April 1984 (China No. 1 (1984)

Cmnd. 9247). A major difference between the Agreement and the UK's other bilateral consular conventions is that it 'specifies the seat and consular district of the consular post (Article 1) and the number of staff to be employed there (Article 4).' C A Whomersley, 'The United Kingdom-China Consular Agreement', *International and Comparative Law Quarterly*, Vol. 34, 1985, p.621. This condition was also incorporated as Article 4 of the UK/China agreement on establishing consulates general in Edinburgh and Guangzhou (see below).

<sup>218</sup> Exchange of Notes between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China concerning the Establishment of a Consulate-General of each Country in the other at Guangzhou and Edinburgh. Beijing, 2 September 1996 (Treaty Series No. 100 (1996) Cm 3477).

<sup>219</sup> Letter dated 25 May 1999 to me from Chien Shih-chung, Director, Office of Personnel, Ministry of Foreign Affairs, Taipei, Republic of China.

<sup>220</sup> The UK's annual Diplomatic Service List reveals that all the main officials in the British Trade and Cultural Offices in Taiwan are members of the FCO and have served, and will continue to do so, in diplomatic posts around the world. Taiwan is simply another posting for them. It is therefore diplomatic sleight of hand to pretend that the UK does not recognise the ROC and does not have diplomatic relations with it.

<sup>221</sup> *A British Digest of International Law*, Vol. 8, Part VII, p.13.

<sup>222</sup> At Edo (the then capital, later renamed Tokyo), Hakodate, Kanagawa, Niigata, Nagasaki, Hyogo (Kobe), and Osaka. FOLDCYB, March 1868, pp.31-2.

<sup>223</sup> The new Meiji emperor approved a 'memorial', a document prepared by the leading *daimyo* [feudal lords] which included proposals 'that Japan abandon the attitude of "the frog looking at the world from the bottom of the well", and resolve instead to learn from foreigners, "adopting their best points and making good our own deficiencies."' W G Beasley, *The Rise of Modern Japan*, London, Weidenfeld & Nicolson, 1990, p.55.

<sup>224</sup> Sakae Tsunoyama, 'Japanese Consular Reports', *Business History*, No. 3, Vol. XXIII, November 1981, p.284.

<sup>225</sup> Headed by Narinori Okoshi (London), Captain Albert R Brown (Glasgow), and J L Bowes (Liverpool). Brown had been commissioned by the Japanese Government to chart the coasts of Japan in 1868. He maintained close business links with Japan, selling twenty Clyde-built ships to NYK (Nippon Yusen Kaisha, the Japan Mail Steamship Company) in the first thirteen years of setting up his company in Glasgow in 1888. Japanese Consulate General, Edinburgh [online] Available from <http://www.edinburgh.uk.emb.japan.go.jp/events.htm> [accessed 10 January 2003]; FOLDCYB, 1892, p.312; Marie Conte-Helm, *Japan and the North East of England: from 1862 to the Present Day*, London, Athlone Press, 1989, p.91.

<sup>226</sup> Headed by Waynman Dixon, of local shipbuilders Sir Raylton Dixon & Company. Middlesbrough became an important port for the NYK, formed in 1885 and heavily subsidised by the Japanese government. Its first European route began in 1896, discharging cargo at London on its westbound route. However, it was not allowed initially to load eastbound goods there, and Middlesbrough became the loading port for the eastbound journey. A Japanese community gradually grew up in the town, many of whom were seamen who had settled and married English women; one estimate is that by 1920 there were 250 Japanese living in Middlesbrough. Keiko Itoh, *The Japanese Community in Pre-War Britain: From Integration to Disintegration*, London, Curzon, 2001, pp.23-4; FOLDCYB, 1902, p.408; Conte-Helm, pp.80-2, 98, 110-111, 115.

<sup>227</sup> FOLDCYB 1912, p.507.

<sup>228</sup> FOLDCYB 1922, p.475.

<sup>229</sup> London, Cardiff, Glasgow, Hull, Liverpool, Manchester, Middlesbrough, and Newcastle. FOLDCYB 1932, p.530.

<sup>230</sup> Much of the information for this section is based on research carried out on my behalf by staff of the Diplomatic Record Office of the Ministry of Foreign Affairs, Tokyo and forwarded to me by Masaaki Takano, Japanese Consul, Edinburgh under cover of letter dated 16 February 2001.

<sup>231</sup> Headed by Honorary Consul General Hugh D Stevenson. FOLDCYB 1962, p.507. There is no information about the consulate general's date of opening, which is not mentioned in the FOLDCYB 1957.

<sup>232</sup> The Edinburgh Consulate General was opened on 1 January 1991 and the Cardiff consulate in July 1996. Letter dated April 1991 to me from Consulate General, Edinburgh; questionnaire completed by the Cardiff Consul for *Consular Survey*, and the Edinburgh Consul General.

<sup>233</sup> FOLDCYB 1957, p.549.

<sup>234</sup> The Aberdeen consulate is Kazakhstan's first visa-issuing consulate to be established outside the former Soviet Union and Eastern Europe. *Bon Accord*, Aberdeen City Council's Online Newspaper, [online] Available from <http://www.aberdeencity.gov.uk/acc/YourCouncil/bonaccord/14%202002/story45asp> [accessed 30 January 2003].

<sup>235</sup> Questionnaire completed by its consul for *Consular Survey*.

<sup>236</sup> Conventions of 1896 and 1904 between the UK and France. *Elliott and Summerskill*, p.370.

<sup>237</sup> Mason served in this post for more than forty-two years. *Database2*.

<sup>238</sup> Cardiff, Glasgow, Hull, Liverpool, London, and Swansea. *Ibid*.

<sup>239</sup> Cardiff, Glasgow, Hull, and Liverpool. To these numbers was added a consulate in Birmingham which had been opened in 1961. Siam/Thailand seemed to have a fondness for appointing titled British nationals as consuls: Sir John Anderson (London, November 1910), Sir James German (Cardiff, July 1921; re-appointed April 1948), and Sir James Bell (Hull, February 1922). *Database2*.

<sup>240</sup> Information received from respective High Commissions, London, January 2003.

<sup>241</sup> Information received from Australian High Commission, London, January 2003; the Belfast Consulate was opened in May 1996 and Edinburgh in November 2001, e-mail dated 14 March 2003 to me from the New Zealand High Commission Information Office, London; *Database2*.

<sup>242</sup> Information from Philippines Embassy, 29 May 2003.

<sup>243</sup> *London Diplomatic List*, June 2003, pp.103-4.

<sup>244</sup> Letter dated 10 February 2003 to me from Ms Odette Gaudet-Fee, Consular Affairs Bureau, Department of Foreign Affairs and International Trade, Ottawa.

<sup>245</sup> In order of their opening, the consulates were located in Liverpool (1790, James Maury), Dublin (1790, William Knox), Cowes (1790, Thomas Audjo), London (1790, Joshua Johnson), Poole (1791, Thomas Auldiss), Bristol (1792, Elias Vanderhorst of South Carolina; came to Bristol in 1774 with his family, was appointed on 4 May 1792 and remained in post until his death in 1816), Plymouth (1792, John Hawker), Exeter (1793, Edmund Granger), Falmouth (1793, Edward Fox), Bideford (1795, Stephen Wilcocks), Hull (1796, George Knox), Belfast (1796, John Holmes), Cork (1797, John Church), Leith/Edinburgh (1798, Harry Grant of South Carolina), Carmarthen (1798, Thomas Morris), Milford Haven (1798, Hugh Falconer), and Glasgow (1801, John J Murray). Charles Stuart Kennedy, *The American Consul: A History of the United States Consular Service 1776-1914*, Westport CT, Greenwood Press, 1990, p.20; documents forwarded to me by the US Consuls General, Belfast and Edinburgh; letter

dated 19 January 2000 to me from John S Williams, City Archivist, Bristol Record Office; compilation by me from pp.57-61 of Walter B Smith II, *America's Diplomats and Consuls of 1776-1865*, Occasional Paper No. 2, Washington DC, Department of State, Center for the Study of Foreign Affairs, Foreign Service Institute, 1986; *Welcome to the National Archives Rotunda*, General Leaflet No. 18, National Archives and Records Administration, Washington DC, 1996.

<sup>246</sup> *Statistical Abstract for the United Kingdom in each of the last fifteen years from 1857 to 1871*, Nineteenth Number, Table No. 14, p.20, C.609, 1872; *Statistical Abstract for the United Kingdom in each of the last fifteen years from 1872 to 1886*, Thirty-fourth Number, Table No. 23, p.44, C.5173, 1887, respectively. A measure of how increased trade also meant increased work for the consuls can be gleaned from figures for a decade or so later showing the volume of invoices that had to be authenticated. For example, in the calendar year 1885, the London consulate general authenticated 20,486 invoices, Liverpool 10,437, Bradford 7,264, Manchester 6,708, Glasgow 4,166, Nottingham 3,335, Tunstall 3,150, Dundee 2,792, and Birmingham 2,745. *Inspection of United States Consulates in the United Kingdom by Thomas M Waller, Consul General*, Washington DC, Department of State/Government Printing Office, 1887, pp.12-13.

<sup>247</sup> *Database2*.

<sup>248</sup> *Ibid*.

<sup>249</sup> A proposal to close the consulate general in Edinburgh in 1995 was opposed both in Scotland and the US. Among those who voiced their opposition were former presidents Jimmy Carter and George Bush, Senior. Graeme Cruikshank, *The Consulate General of the United States of America in Scotland*, Edinburgh Historical Enterprises. [online] Available from the consulate general <http://www.usembassy.org.uk/scotland/history.htm> [accessed 28 April 1999]. Three years later, a report by the US Audit Office suggested that Edinburgh was one of a number of low priority posts that could be considered for replacement by a consular agency. The United States does not have honorary consuls, but the duties of its consular agents are virtually identical to those of an honorary consul. However, an important difference is that consular agents are regarded as part-time Foreign Service employees and receive a salary; in 1998 the average US consular agent annual salary was \$17,040, ranging from \$5,582 to \$30,070. There are no US consular agents in the UK. United States. Office of Audits, Consular and International Programs Division, *Audit Report 98-CI-013, July 1998, Consular Agent Program*, Washington DC, pp.1, 9, 17, 25.

<sup>250</sup> The first consul elected by the Congress of the new United States (but not among the appointees to these first British posts) was Colonel William Palfrey of Massachusetts, former Paymaster General of the Continental Armies, elected as consul to France on 4 November 1780. However, he did not take up the post, as the ship transporting him to France was lost in a storm. Wilbur J Carr, 'The American Consular Service', *The American Journal of International Law*, Vol. I, Part II, No. 4, October 1907, p.893.

<sup>251</sup> Arlin Turner, *Nathaniel Hawthorne: Biography*, New York and Oxford, Oxford University Press, 1980, p.273.

<sup>252</sup> Report dated 28 November 1871 by The Hon Francis J Pakenham, British Chargé d'Affaires, Washington, Parliamentary Papers 1872 (c.498) LXII, p.151.

<sup>253</sup> The writer Henry David Thoreau reflected disparagingly about Hawthorne's forthcoming appointment: 'Better for me to go cranberrying this afternoon...to get but a pocketful and learn its peculiar flavor...than to go consul to Liverpool and get I don't know how many thousand dollars for it, with no such flavor.' Bradford Torrey, ed., *The Writings of Henry David Thoreau*, Vol. XV, Boston, 1909, p.37.

<sup>254</sup> Turner, p.265.

<sup>255</sup> *Consular Experiences*, 'Our Old Home: A Series of English Sketches', Centenary Edition of the Works of Nathaniel Hawthorne, Vol. V, Ohio, Ohio State University Press, 1970, p.9.

<sup>256</sup> Turner, p.306.

<sup>257</sup> Harte was better known for his writing than for his consular work. The only noteworthy event during his consular career seems to have been arranging for a monument in Glasgow commemorating the deaths of nineteen American sailors in the shipwreck of the 'Guy Mannering' in December 1865 off the island of Iona. Graham H Stuart, *American Diplomatic and Consular Practice*, Second Edition, New York, 1952, p.315. He was replaced in 1885, 'as some said, for "inattention to duty." He lived in London until his death in 1902.' *A Brief History of United States Diplomacy*, Arlington Virginia, Association for Diplomatic Studies and Training, 1996, minor revision in 2001, p.15.

<sup>258</sup> Correspondence in July and August 2002 with Dr Mark H Jones, State Archivist, Connecticut State Library; The Political Graveyard: Index to Politicians, [online] Available from <http://www.politicalgraveyard.com/bio/wallach-walser.html> [accessed 24 February 2003].

<sup>259</sup> Cathy L Hurst, 'Post of the Month. Edinburgh: Celebrating 200 Years of Consular History', *State Magazine*, October 1998, Washington DC.

<sup>260</sup> In order of appearance: Peru, Uruguay, Costa Rica, Paraguay, Nicaragua, Honduras, Guatemala, Salvador, Buenos Ayres [sic]/Argentine. *Database2*.

<sup>261</sup> *Ibid*.

<sup>262</sup> It may be argued that in 1814 'The Brazils' was merely Portugal by another name, since in 1807 the Napoleonic invasion caused the Portuguese prince regent and Court to flee to its Brazilian colony and was resident there from 1808 to 1821. However, both had separate embassies in London in 1814. The Brazils was headed by ambassador Count de Funchal, and Portugal by ambassador Count de Palmela. In addition, The Brazils had a consul general, Joaquim Andrades, in London that year. The following year saw a diplomatic reshuffling and only Portugal was represented in London. Its embassy was headed by 'Ambassador Extraordinary & Plenipotentiary from the Brazils, Count de Funchal', supported by 'Consul General Joaquim Andrades'. Brazil's self-declared independence of 1822 was recognised by Portugal on 29 August 1825. Although the first consul in Liverpool, Dionizio de Azevedo Pecanha, took up his post in 1826 there had been an unofficial vice consul based there since 1822—Antonio Meirelles Sobrinho. The post was unofficial because it was prior to the country's independence being recognised by Portugal. The British government had been exhorting Portugal to recognise the colony and therefore turned a blind eye to the vice consul and his activities. *The London Kalendar, 1814 and 1815*, p.148 in each; Bindoff, pp.27-9; Rudé, p.265; *Ward's Local Directory for Newcastle 1885-6*, p.858; *Ernest G Dashwood-Evans, [Brazil's] Good Relations (1822-1972) with Liverpool*, Liverpool, 1973, pp.1, 5-6, 8, 16, 18-19, 24.

<sup>263</sup> The London and Liverpool consulates were headed by Charles Allsopp and Alfred W Powles, respectively. By 1897, the number of consulates had grown to sixteen. Venezuela's last consulates in Britain (Manchester and Edinburgh), were closed on 22 September 1994. The consular section in the embassy remains. Memorandum dated 20 June 2000 by María Ismenia Garcia, Chief of Historical Investigation Division, forwarded to me under letter dated 27 June 2000 by Josefina Gavilá, Director General of Archives and Libraries, Ministry of Foreign Affairs, Caracas, Venezuela; *Database2*.

<sup>264</sup> *Boyle's Court Guide for January 1847*, p.831; *Almanach de Gotha 1911*, p.899; *Database2*.

<sup>265</sup> Extract from untitled Yorkshire trade directory for 1838 provided by Alan Longbottom, Pudsey Civic Society; *Boyle's Court Guide for January 1847*, p.830; *Database2*.

<sup>266</sup> *Boyle's Court Guide for April 1853*, p.690; *Database2*.

<sup>267</sup> *Database2*.

<sup>268</sup> *Ibid*.

<sup>269</sup> *Ibid*.

<sup>270</sup> *Ibid*.

<sup>271</sup> *Boyle's Court Guide for January 1847*, p.830; *Whitaker's Almanack 1949*, p.889; *Database2*.

<sup>272</sup> *Whitaker's*, p.961; *Almanach de Gotha 1911*, p.890; *Database2*.

<sup>273</sup> Belize, Bolivia, Colombia, Costa Rica, Cuba, El Salvador, Guyana, Nicaragua, Paraguay, Peru, and Surinam.

<sup>274</sup> With the exception of Cuba and Surinam, the other nine countries had established consulates in Britain in the mid-nineteenth century, most of which continued in place throughout most of the twentieth century.

## CHAPTER 4

### CONSULAR APPOINTMENTS AND RELATED MATTERS

#### *Introduction*

Selection procedures for career consuls are not examined in this chapter since these officials are permanent members of their countries' foreign service and therefore subject to various procedures within their own country. Generally, they are required to participate in open competitive examinations and other selection procedures, such as interviews. However, in some countries patronage, influence, and private incomes continue to play a role in the selection of candidates.<sup>1</sup> In the UK, vacancies for honorary consuls are never advertised;<sup>2</sup> detailed discussion about the *selection* procedures for honorary consuls appears in Chapter 10. Discussion in the present chapter deals with the *appointment* procedures for both career and honorary consuls, i.e. the process by which sending states' nominations are approved by receiving states (in this case, the UK). The information is based on lengthy correspondence with the various authorities throughout the UK and is thought to be the first time that these somewhat recondite procedures have been made public. Appointment as a consul, whether career or honorary, also brings with it an entitlement to certain privileges and immunities. The various entitlements and how they differ from diplomatic privileges and immunities are examined.

#### *The role of the Foreign and Commonwealth Office*

Although the Foreign and Commonwealth Office (FCO) is not involved in the initial selection and nomination of consular appointees, it gives sending states its views on whether potential nominees are likely to be acceptable. It does, however, take the lead in initiating and coordinating the various checks that are carried out when a nomination is received, and is responsible for issuing the mandatory formal approval of appointments. These matters come within the aegis of the FCO's Protocol Division<sup>3</sup> whose remit includes such matters as appointments, privileges and immunities of the



Diplomatic Corps, and ceremonial and precedence. The main procedures involved are set out in schematic form in Table 4 and are described below.<sup>4</sup>

The first stage in the process begins when the sending State, via its diplomatic mission (generally based in London) submits a Note or Commission of Appointment, signed by its Minister of Foreign Affairs or, unusually, by its Head of State, to the FCO nominating the person to be appointed. This gives details such as the nominee's full name, category (career or honorary) and class (consul general, consul, vice consul, consular agent), the consular district, and the seat of the consular post. Additionally, the nominee's curriculum vitae (CV) is attached. This procedure applies to both career and honorary appointments. If a State refuses to grant an *exequatur*, it is not obliged to give the sending State the reasons for the refusal, although it may choose to do so.<sup>5</sup>

Depending on the geographical location of the proposed appointment, the FCO sends the Note or Commission of Appointment and CV to the relevant lord mayor or council chief executive (if the appointment is in England), the Scottish Executive (formerly the Scottish Office), the Welsh Office, or the Northern Ireland Office.<sup>6</sup> Until December 1998, the Home Office undertook enquiries relating to appointments in England, but in January 1999 responsibility was transferred to the FCO.<sup>7</sup> This is a sensible departure from the long-standing practice of not allowing the FCO to have direct contact with local authorities.

In the case of career consular officers, no local checks are carried out. The various Home Departments are simply informed of the appointments and they notify the relevant local authorities. In the case of honorary consular officers, who are generally British nationals, the Home Departments and the FCO do not make enquiries of their own. Instead, each consults the relevant local government authorities to ask whether they know of any reason why the person concerned should not be appointed and whether he or she is acceptable to them in a consular capacity. The FCO's procedure for appointments in England is as described above. In Scotland, in the case of career appointments, the Scottish Executive's Justice Department notes the appointments and informs the lords provost of Edinburgh, Glasgow, Aberdeen, and Dundee, and the chief executive of the council in which the appointee will reside and work. In the case of honorary appointments, the Justice Department asks the chief executive of the local

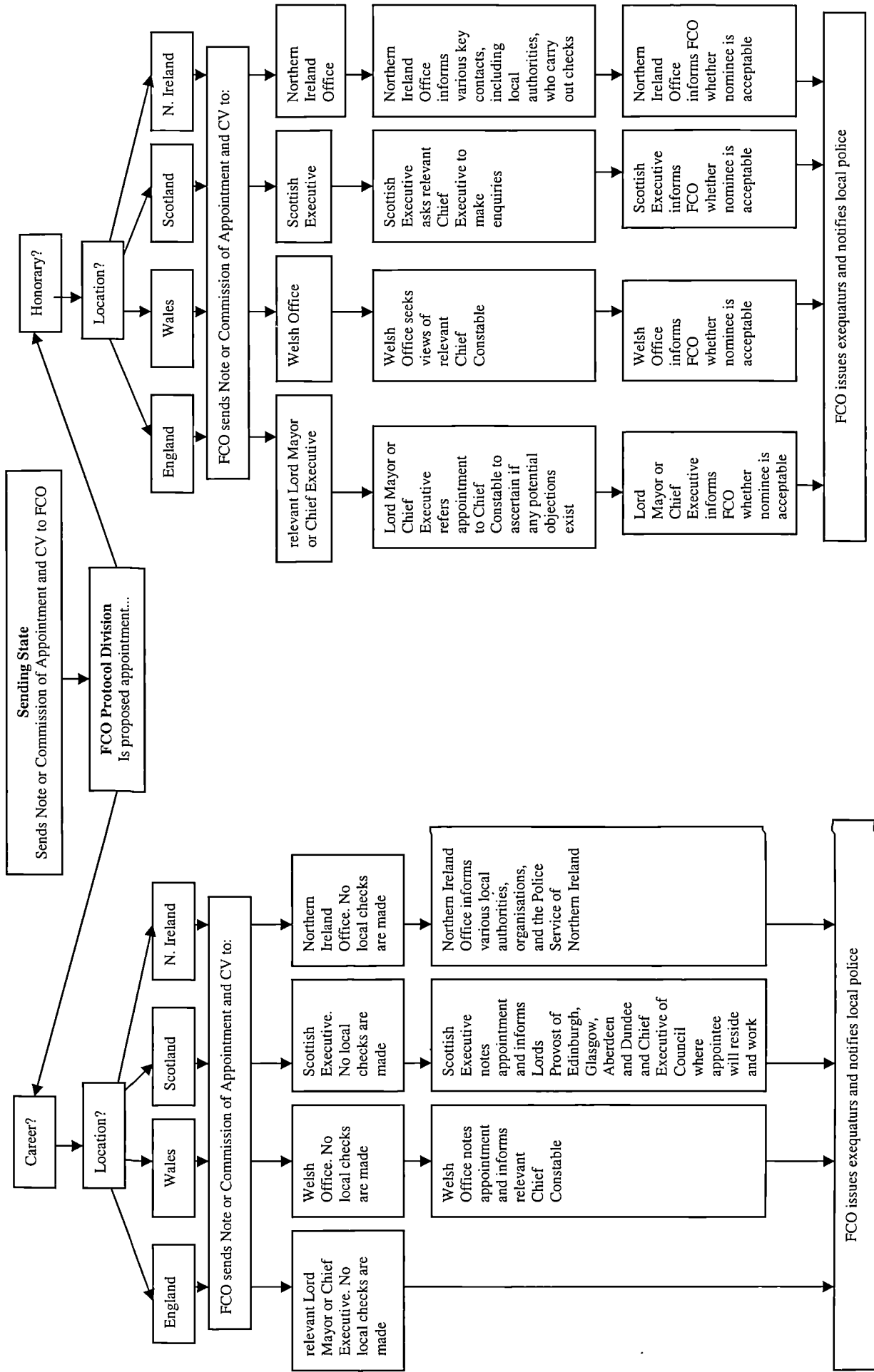


Table 4. Consular appointment procedures

authority of the area in which the nominee is to be employed and, if different, the area where he or she will reside, to make enquiries. In respect of career consuls in Wales, the Welsh Office advises the appropriate chief constable that the appointment has been made. In the case of honorary appointments, it seeks views from the appropriate chief constable, passes these on to the FCO and, when the appointment is to be based in Wales (most are not), it advises the appropriate lord mayor or mayor once the appointment has been made. Procedures in Northern Ireland are broadly similar to those in Scotland and Wales, but the Northern Ireland Office notifies a larger number of authorities, government departments, and private organisations. If the appointee is to be based in Northern Ireland (and most are not), the Police Service of Northern Ireland is advised for security purposes.

After all enquiries have been completed satisfactorily and the FCO accepts the appointment, it informs the diplomatic mission and issues a formal letter approving and accepting the appointment, and notifies the relevant police force. The appointment document is known as an exequatur. It is generally a *Secretary of State's Exequatur*, signed by a senior official of Protocol Division, and names the consular officer concerned. In the nowadays unusual event of the sending State forwarding a Commission of Appointment signed by the Head of that State, the FCO issues *The Queen's Exequatur*, signed by Her Majesty and countersigned by the Secretary of State for Foreign and Commonwealth Affairs. Examples of both types of exequatur are shown in Figure 4 (Secretary of State's Exequatur) and Figure 5 (Queen's Exequatur).<sup>8</sup> Until relatively recently, The Queen's Exequatur was issued to both career and honorary consular officers; however, since 1992 the practice has been restricted to career consular officers. All honorary consuls in the UK are entitled to an identity card issued by the FCO for which application should be made through the consul's superintending embassy or high commission.<sup>9</sup> Oddly enough, with one exception, none of the honorary consuls to whom I mentioned this card was aware of its existence.

After the exequatur has been issued, the FCO has no further function as far as involvement with consular appointees is concerned. However, under the terms of Article 19 of the VCCR, missions are obliged to inform it of any changes. An unusual 'consular' matter arose in the mid-1990s when it came to the FCO's attention that several letters had appeared in the national press signed by Professor George Hewitt as

17 August 1999

Ref: TXK400/017/99

His Excellency  
Mr Lino Sima Ekua Avomo  
6 Rue Alfred de Vigny  
75008 Paris  
FRANCE

Your Excellency,

I refer to your Note No 1736 dated 21 June 1999, from the Ministry of Foreign Affairs and have the honour to state that Mr Alan Soulsby has been recognised as Honorary Consul for Equatorial Guinea at London.

I have the honour to convey to  
Your Excellency the assurance of  
my highest consideration  
(For the Secretary of State)

Figure 4. Secretary of State's Exequatur. (Foreign and Commonwealth Office)

Elizabeth

**Elizabeth the Second**, by the Grace of God  
of the United Kingdom of Great Britain and Northern Ireland and of Her other Realms and Territories Queen,  
Head of the Commonwealth, Defender of the Faith,

To All and Singular Our loving Subjects to  
whom these Presents shall come, Greeting!

Whereas Our Good Brother and dear Cousin the King of Spain has by a Commission bearing date  
the twenty-eighth day of October, 1998, appointed *Senor Javier Urigui Aguirre* to be Consul-  
General for Spain in Manchester. And We having approved of this appointment, according to  
the Commission before mentioned, Our Will and Pleasure are, and We hereby require that you  
do receive, countenance, and, as there may be occasion, favourably assist him the said Javier  
*Urigui Aguirre* in the exercise of his Office, giving and allowing unto him all the  
Privileges, Immunities and Advantages therunto belonging.

Given at Our Court of Saint James's, the Eighteenth day of January, One thousand  
Nine hundred and Ninety-nine, in the Forty-seventh Year of Our Reign.

By Her Majesty's Command.

J. M. W. L.

Figure 5. The Queen's Exequatur. (Foreign and Commonwealth Office)

Honorary Consul of Abkhazia. He received ‘a stiffly worded complaint from the Protocol Department of the FCO asking [him] to desist from using it [i.e. the title], given the non-recognition of Abkhazia as anything other than a constituent part of Georgia.’ When he pressed the FCO to provide details of any international treaty that prevented him from describing himself as he liked, the FCO backtracked, saying that there was no such treaty but it still preferred not to see the title. Thereafter, he has used the title of ‘Honorary Representative’.<sup>10</sup>

### *Notes and commissions of appointment*

As mentioned above, States send Notes or Commissions of Appointment to the FCO with the names and other details of their proposed nominees for consular posts. It is interesting to examine a few examples of these documents (in the past, sometimes referred to as letters patent).

On 4 May 1792, President George Washington sent a Commission nominating and appointing Elias Vanderhorst as American Consul in Bristol. The elegant copperplate document is too large to reproduce here but its wording is as follows:

George Washington President of the United States of America  
 To all who shall see these presents—Greeting  
 Know Ye, That reposing special Trust and Confidence in the abilities and Integrity of Elias Vanderhorst of South Carolina, I have nominated, and by and with the Advice and Consent of the Senate, do appoint him consul of the United States of America for the Port of Bristol in the Kingdom of Great Britain, and for such parts of the said Kingdom as shall be nearer to the said Port than to the Residence of any other Consul or Vice-Consul of the United States in the said Kingdom; and do authorize and empower him to have and to hold the said Office, and to exercise and enjoy all the Rights, Pre-eminences, Privileges and Authorities to the same of right pertaining, during the pleasure of the President of the United States for the time being: he demanding and receiving no fees or perquisites of office whatsoever which shall not be expressly established by some law of the said United States. And I do hereby enjoin all Captains, Masters, and Commanders of Ships and other vessels, armed or unarmed, sailing under the flag of the said States, as well as all other of their Citizens, to acknowledge and consider him the said Elias Vanderhorst accordingly. And I do hereby pray and request his Britannic Majesty and his Governors and Officers, to permit the said Elias Vanderhorst fully and peaceably to enjoy and exercise the said office, without giving or suffering to be given unto him any molestation or trouble, but on the contrary to afford him all proper countenance and assistance, I offering to do the same for all those who shall in like manner be recommended to me by his said Britannic Majesty.

In Testimony whereof I have caused these letters to be made Patent, and the Seal of the United States to be hereunto affixed. Given under my Hand at the City of Philadelphia the fourth day of May in the year of our Lord one thousand seven hundred and ninety two, and of the Independence of the United States of America the Sixteenth.

(Signed) George Washington. (Countersigned) Thomas Jefferson <sup>11</sup>

The resultant Exequatur, written in the same style and manner, was signed by George III. It also is too large to reproduce here, but its wording is set out below:

George the Third, by the Grace of God, King of Great Britain, France and Ireland, Defender of the Faith, Duke of Brunswick and Luneburgh, Arch-Treasurer of the Holy Roman Empire, and Prince Elector, &c. To all our loving Subjects whom it may concern Greeting—Whereas the President of the United States of America has by a Commission bearing date the fourth Day of May one Thousand Seven Hundred and ninety two constituted Elias Vanderhorst of South Carolina and by and with the Advise [sic] and Consent of the Senate did appoint him Consul from the said United States for the Port of Bristol in the Kingdom of Great Britain, and for such other Parts of Our said Kingdom as shall be nearer to the said Port than the Residence of any other Consul or vice Consul of the said United States in Our said Kingdom, to assist their Subjects and People in their Commerce and Traffic there. And We having thereupon approved of the said Elias Vanderhorst as Consul for the said United States of America according to the Commission beforementioned Our Will and Pleasure is, and We do hereby require you to receive, countenance and, as there may be occasion, favorably [sic] to assist Him the said Elias Vanderhorst in the Exercise of his Place giving and allowing unto Him all Privileges, Immunities, and Advantages thereunto belonging.

Given at Our Court at St James's the tenth Day of February 1793 in the Thirty Third Year of Our Reign.

(Signed) George R

(Countersigned) By His Majesty's Command: Grenville [William Wyndham Grenville, Lord Grenville, Secretary of State for Foreign Affairs]<sup>12</sup>

It is fairly uncommon to be able to compare the document issued by the sending state with the one issued by the receiving state. While the former document may be available among Foreign Office or FCO files in the National Archives (if it has been deemed worthy of retention), the latter will usually be in the private possession of consuls or their heirs—once again, only if it has been thought to be worth keeping. However, it may well have been destroyed along with other papers left by a deceased consul. At any rate, it could be difficult to track down. In comparing the two foregoing

documents several points are worth mentioning. George Washington has regard to the reciprocal nature of consular representation, stating that he ‘will do the same for all those who shall in like manner be recommended to me by his said Britannic Majesty.’ George III studiously avoids any such gesture in his exequatur. The reason for this is unclear, because by the time of Vanderhorst’s appointment there were already five American consulates in Britain<sup>13</sup> and one would expect that their heads would also be permitted to ‘peaceably...enjoy and exercise the said office’ and to receive ‘all proper countenance and assistance’ from the British authorities. Washington exhorts all ‘citizens’ of the United States to ‘acknowledge and consider’ Vanderhorst as a Consul. George III, addressing his ‘loving subjects’, misquotes American ‘citizens’ and describes them as ‘Subjects and people’. Is this simply an oversight by the British officials who drafted the exequatur, forgetting to realise that the fledgling American Republic has citizens rather than subjects, or are the officials making a political point?

On 3 March 1820, the Austrian Emperor, Francis I, appointed Nathan Mayer Rothschild (of the banking family) as Austrian Consul in London. The appointment was approved and his exequatur issued in July.<sup>14</sup> The Letters Patent for the appointment, written on parchment, is shown at Figure 6.<sup>15</sup> Although details are difficult to discern from the Figure, the following points can be noted: the document is written in Latin; a full list of all the territories ruled by Francis I as Austro-Hungarian Emperor is given; and the Emperor’s impressive wax sigil, or seal, is attached within a metal container.

Comparison of the documents issued by Washington and Francis I reveals the contrasting styles of the New Order and the Old Order and of a democracy and an empire. For example, the Commission issued by Washington in 1792 is written in English in a form that is still readily understood, and its seal is impressed on the document itself rather than on a separate and ostentatious wax tablet. Some twenty-eight years later, in ‘Old Europe’, the letters patent issued by Francis I uses a grand, imperial style, and is written in Latin—a language which even at the time would be understood by relatively few people. Nowadays, documents relating to consular appointments in the UK are usually written in English, never on parchment, and seals are seldom used. Figures 4 and 5 show examples of contemporary British practice. In four short lines, the Secretary of State’s Exequatur (Figure 4) conveys clearly, if somewhat baldly, everything that is needed. The Queen’s Exequatur (Figure 5) while still retaining a few





Figure 6. Letters Patent dated April 1820, signed by Emperor Francis I, appointing Nathan M Rothschild as Honorary Austro-Hungarian Consul General, London. (The Rothschild Archive, London. Ref. RFamOP/12/1)

rather archaic terms, nevertheless states clearly and unambiguously that the individual's appointment has received official approval.

### *Withdrawal of exequaturs and suspension of consuls*

As can be seen, the approval of consular appointments follows a predictable and fairly routine procedure and is what one would expect in such a well-regulated area of public life. Nominations for appointments are generally accepted without demur because diplomatic missions and their ministries of foreign affairs make various soundings and enquiries beforehand<sup>16</sup> to ensure that there is nothing in a prospective nominee's background to which either they or the receiving state might take exception.<sup>17</sup> For this reason, it has been relatively unusual in recent years for nominations to be refused. However, in 2000 the FCO refused to accept the nomination of Dr Peter Chen Hung-kee as honorary consul for Vanuatu because of his criminal past and suspected underworld connections.<sup>18</sup> On the other hand, in the nineteenth and early twentieth centuries it was not unusual to withdraw exequaturs or to suspend consuls. We have already seen that Alexander Baxter, Russian Consul General in London, was suspended in 1800. In 1865, the Foreign Office refused to accept the nomination of Stefanos Xenos as Greek Consul General in London '...that gentleman having been engaged in conspiracies against the Turkish Government...'.<sup>19</sup> It also refused to accept the nomination of Major James Haggerty as American Consul in Glasgow in 1869; the reason for doing so was 'on account of his complicity with Fenianism.'<sup>20</sup> In the previous chapter it was shown that the Foreign Office did not grant an exequatur to John Maclean, the Soviet 'consul' in Glasgow in 1918. However, the reason was the non-recognition of the regime rather than the individual (although, as is revealed in that chapter, Maclean was not a person of whom the authorities approved). In 1922, Fred C Slater, the American consul in Newcastle had his exequatur withdrawn and the vice consul, Russell Brooks, had his recognition withdrawn after allegations that they had been attempting to divert passenger traffic to the United States from British ships to American ships. As a consequence, the consulate was closed for almost two years.<sup>21</sup> Occasionally, a country withdraws its consul's recognition. In 1885, Bret Harte US Consul in Glasgow was replaced, as some said, 'for inattention to duty.'<sup>22</sup> Chile cancelled the commission of Martin Drouilly, its Consul General in London, in 1891.<sup>23</sup> In 1922, Walker Livingstone Wheeler, Finnish Consul in Belfast, had his appointment withdrawn by his embassy 'following differences over fees and his attitude with [sic]

Consul General Norrgren and Minister Ossian Donner.’<sup>24</sup> Another Finnish Consul, James Mitchell in Dundee, was ‘Relieved of duties 21 August 1931—Debt, lack of credibility, etc.’<sup>25</sup> It is ‘very unusual for the status of a [serving] consul to be called into question’, and the FCO’s contemporary procedure for dealing with such a case is as follows:

The main reasons would be that information had come to light which cast doubt on the good character of the person concerned, or there was strong evidence to suggest that a consular officer had been involved in a serious crime. Our normal practice in such cases would be to ask the country the consular officer represents to withdraw him/her, or, in the case of honorary consuls, to terminate their appointment. If the request were declined, we would then need to consider whether or not to declare the alleged offender *persona non grata* under Article 23 of the Vienna Convention on Consular Relations.<sup>26</sup>

Although appointment procedures are fairly routine, three aspects are noticeable. Firstly, as mentioned above, vacancies for honorary consuls are never advertised and the entire process lacks transparency. Perhaps vacancies should be advertised.<sup>27</sup> Secondly, it appears that none of the Home Departments has any knowledge of the nature of the checks they ask local authorities to undertake. No doubt this is a deliberate policy, reflecting central government’s desire to avoid accusations of interfering unnecessarily in the affairs of local government. Thirdly, in respect of honorary consuls, the checks carried out at local level appear to be of an *ad hoc* nature. It must be assumed that some of these checks are made against various registers, such as criminal records. Some authorities ask chief constables for views, others ask the secretary of the local consular corps or association. In at least one case, the implication is that if the lord mayor knows the nominee no further checks are made. The secretary of one of the lords mayor contacted during this research commented that the appointment procedure adopted by his authority (of simply contacting the local consular corps) ‘does seem a strange procedure—why can’t the Home Office [he was unaware that responsibility had passed to the FCO] contact the police to see if the person has “form”?’<sup>28</sup>

While it can be said with certainty that nothing has emerged during my research to suggest that there is anything unfair or incorrect about the checks made on honorary

consular nominees locally, there is a case for introducing some consistency into these checking procedures. As career consular nominees are unlikely to be known to local authorities it seems sensible that the current practice of not conducting local checks should continue. Indeed, if the FCO were to depart from this practice there would doubtless be consequential implications when appointing British career consuls abroad, due to the reciprocal nature of diplomatic and consular representation. In the case of honorary consular nominees it seems equally sensible that enquiries about their acceptability should be the responsibility of local authorities. Nominees are invariably local business or professional people who are likely to be well-known in their communities. However, the checks carried out ought to be consistent throughout the UK. It is suggested that the following minimum checks should be made locally in all cases: chief constables should be asked to check nominees against criminal and criminal intelligence records (in view of its highly unsatisfactory track record the Criminal Records Bureau is unlikely, at the time of writing, to be an efficient source of information, unless unlimited time for a search is available), and views should be sought from the local consular corps or association (if one exists), the local chamber of commerce, the local trading standards department, and nominees' professional associations (for example, the Institute of Chartered Accountants, the Law Society, the Institution of Chartered Surveyors. In all cases, the relevant English or Scottish associations should be consulted, as appropriate). The Department of Trade and Industry should be asked whether it is aware of any business activities of the nominee that may be incompatible with holding the office of honorary consul and also whether the nominee is suspended from holding directorships. This procedure, in addition to checks made by the sending State, would provide a more thorough and complete picture of a nominee's suitability to hold the office of honorary consul.

#### *Undertakings given by consuls*

As permanent members of their country's foreign service, career consuls have their terms and conditions of employment laid down in their contracts. Honorary consuls are generally required to give a formal undertaking that while in the service of the State(s) they represent they will carry out their duties efficiently and fairly and will comply with official orders and commands from their embassy and superintending consulate general. A more comprehensive undertaking had to be given by honorary (or

elective) consuls entering the service of Imperial Russia. Not only were they required to be Christians, but they had also to make the following declaration:

I, the undersigned, hereby certify, that upon undertaking the charge of the Imperial Russian Vice-Consulate at X, I will fulfil my duties according to the instructions which are, or will be, given to me by the Imperial Russian Consulate at X, the Imperial Russian Embassy at X, and the Ministry of Foreign Affairs at Petrograd. At the same time I renounce all claims to remuneration or money recompense of any kind from the Imperial Government for my services as Russian Vice-Consul, other than the Consular fees which, in accordance with the Russian Consular Regulations, revert to my profit. Finally, I give my word of honour not to belong to any secret political or social society or organisation.<sup>29</sup>

#### *Financial matters*

In addition to the usual undertaking about carrying out their duties efficiently and faithfully, candidates for appointment as American consuls (both career and honorary) in the latter half of the nineteenth century had to provide a financial bond.<sup>30</sup> Before receiving a commission, career consuls were required to execute a bond for the faithful performance of their duties. If they failed to undertake their duties in the approved manner they would incur penalties. The regulations stated:

The penalty of the bond in no case exceeds ten thousand dollars, and for salaried Consuls is usually fixed at twice the amount of salary, but not exceeding ten thousand dollars. The penalty of the bonds of unsalaried officers is fixed by the Secretary of State according to the responsibility of the office, generally at from 3,000 to 5,000 dollars. Vice-Consuls-General, Vice-Consuls, and Vice-Commercial Agents [all of whom are honorary officers] also furnish bonds in 2,000 dollars...No bonds are required from Consular Agents.<sup>31</sup>

Also, before an American career consul would be granted leave of absence he had to nominate a suitable person to the State Department for approval as:

Vice-Consul-General, Vice-Consul, or Vice-Commercial Agent, as the case may be. This person may be either a citizen of the United States or a foreigner. If the

nomination is approved the nominee must furnish bonds in 2,000 dollars in all cases and without reference to the importance of the post or the salary of the Consul; and the bond must be approved by the Secretary of State before he will be allowed to assume office. ...<sup>32</sup>

Despite these fairly severe and restrictive bonds there was no lack of candidates, whether US citizens or British nationals, for the posts. An examination of the records and despatches of one post, which was not among the premier league financially, illustrates this. In 1860, James McDowell Jr completed a document which 'firmly bound [him] to the United States of America in the sum of two thousand dollars' in order to obtain the post of Deputy Consul at the American Consulate in Leith, which at the time was an unsalaried post—the consul's income being derived from consular fees levied. The Consul was James McDowell Sr. McDowell Jr's bond obligation was shared with two other sureties, or guarantors, and included 'their joint and several heirs, executors, and administrators'. The conditions of the obligation stated that if McDowell 'truly and faithfully discharged' his duties (which were specified) 'then this obligation [would] be void; otherwise, [it would] remain in full force.'<sup>33</sup> This bond was executed at a time when McDowell Sr reported that the fees received at the consulate for the quarter ended 31 December 1857 showed 'a decrease...of nearly one hundred percent, being \$102 against \$194 [compared against the corresponding period for the previous year].'<sup>34</sup> Just over three years later, the situation had worsened and the new Consul, Neil McLachlan (a Scot who had lived in the United States for fourteen years and was a naturalised American citizen), writing in 1861 to the President, rather than as was normal practice to the Secretary of State, maintained that: 'as matters stands [sic] at present it is impassable [sic] for me to remane [sic] at this port except you be so kind as grant me a Small Salary with or without the fees which at this time do not amount to much to suport [sic] a family. the [sic] whole amount of fees collected at this Consulate for the last 70 days was \$22 dollars [sic], and for the corresponding time in 1860 the Books shows [sic] \$130 ten cents which is a large drawback...'<sup>35</sup> Fees at Leith picked up later, obviously to McLachlan's delight, and he reported that for the year ended 31 December 1865 they totalled \$2524.62.<sup>36</sup> While the fees at this post were not particularly high on the dates when McDowell Jr and McLachlan signed their bonds there was always the added attraction that 'a consulship could be a commercial advantage, [and] a social distinction...'<sup>37</sup> The bond system continued for many years

and was required of consuls who succeeded McDowell and McLachlan; for example, David Gould, John Safford Fiske, Colonel John T Robeson, and George Smith. It is not clear when the requirement was abolished.

In 1871, the American consuls in London and Liverpool received the highest salaries in the US Consular Service (\$7,500 per annum).<sup>38</sup> By 1907 the importance of the two posts had changed and was reflected in the London salary increasing to \$12,000 but that for Liverpool increasing by only \$500 to \$8,000, levels which remained the same in 1911.<sup>39</sup> Also in 1871, the Swedish and Norwegian Consul in London was the highest paid in his country's consular service, receiving £1372 per annum.<sup>40</sup> Five years later, the Brazilian Consul General in Liverpool was one of the highest paid in that country's service.<sup>41</sup> Bret Harte, the American Consul in Glasgow received an annual salary of \$3,000 in 1880.<sup>42</sup>

Up to the early twentieth century there was no uniform system for reimbursing consuls and the means of doing so were various. It had been fairly common practice for many years to have unsalaried consuls, career or otherwise, whose incomes were derived solely from the fees they charged for consular services. However, some countries gave their consuls a small salary, allowed them to trade but not to retain fees; some gave them a small salary, forbade them from trading but allowed them to retain their fees; and some gave no salary but permitted them to trade and to retain the consular fees. Countries gradually changed these arrangements and nowadays, as a rule, career consuls receive salaries and honorary consuls (depending on the countries they represent) often receive a refund of expenses incurred and/or a small honorarium; some are allowed to retain fees but in many cases they receive no financial reimbursement whatsoever and are out of pocket. Current practice is discussed in Chapter 10.

### *Political patronage*

In the past, it was commonplace in most countries for consular candidates to obtain their positions through seeking and receiving political patronage. The practice continues in some countries. However, career consuls are generally members of their country's diplomatic service, and in view of the remarks quoted in footnote 1 regarding current diplomatic appointments in certain countries the practice has probably not died

out completely. Where this is the case, it reflects the accepted standards within the countries concerned.

From its inception, the United States was a leading exponent of the spoils system, whereby friends and supporters of the president were favoured with appointed offices. A few examples will give an idea of the prevailing practice during Abraham Lincoln's presidency (1861-5) in the second half of the nineteenth century. On 15 March 1861, Lincoln wrote the following memorandum: 'Mr Senator Fessenden is exceedingly anxious that [the] Hon. Freeman H Morse shall be consul to London—& he says when he first mentioned Morse's name for that place, I said it was the first application.' Morse was appointed shortly afterwards that year and held the appointment until 1869.<sup>43</sup> In a further memorandum, dated 27 March 1861, Lincoln wrote:

On this 27<sup>th</sup> of March 1861 [Representative] Hon. Mr [Samuel S] Blair of Pa. [Pennsylvania] calls and presses that Thomas P Campbell Esq. of his District shall be consul to Glasgow, or have some other eligible appointment. Mr Blair says his District does a large share of the voting, and never receives anything. Therefore he is very anxious in this matter.<sup>44</sup>

The recommendation was not followed; James S Prettyman of Delaware was appointed, holding the post from 1861-2.<sup>45</sup> Writing to Secretary of State William H Seward on 20 August 1861 Lincoln said:

Mr Zebina Eastman, of Chicago, Ills. Is one of the earliest, and most efficient of our free-soil<sup>46</sup> labourers. If a position, with even moderate pay, could be found for him in England, he is just the man to reach the sympathies of the English people, to the extent that he can come in contact with them. He is more than a common man, in his sphere; and I shall be very glad if you can find out, or fix out for him, some such place as I have indicated.<sup>47</sup>

Eastman was appointed consul in Bristol that year, holding the post until 1869. Lincoln also favoured artistic, creative individuals who clearly sought an easy life bolstered by a consular income to support their main activities. On 6 March 1865 he



wrote to Seward: 'I have some wish that Thomas D Jones, of Cincinnati, and John J Piatt, now in the city [Washington], should have some of those moderate size consulates which facilitate artists a little [in] their profession. Please watch for chances.'<sup>48</sup> No consular appointment was found for Jones, and Piatt had to wait until 1882 when he was appointed consul in Cork, a position he held until 1892.<sup>49</sup>

Until undertaking this study, I had assumed that the practice of political patronage appointments for American consuls had ceased long ago. However, at least one post remains open to such appointees. An article published in the Washington Post Magazine in 1998 on the topic of ambassadorships being given to individuals who had contributed financially to presidential election campaigns also stated: 'Unfortunately, inflation may have hit Bermuda. Consul Robert A Farmer gave \$55,975 in '90 and '92, but businessman Vinod Gupta is next in line there, after giving \$167,750.'<sup>50</sup> In the event, Mr Gupta did not take up the appointment. The post continues to be a non-career appointment, with the President's nominee subject to confirmation by the Senate.<sup>51</sup> Although patronage appears to be the exception for consuls, it remains very much in evidence for American ambassadorial appointments.

Canada continues to use political patronage when filling some consular posts. For example, shortly before resigning in 1993 Brian Mulroney, the Canadian Conservative Prime Minister, appointed his Conservative colleague Donald Cameron as consul general in Boston, at an annual salary of \$110,000. At the time, Cameron was Premier of Nova Scotia and was also a long-time critic of political patronage.<sup>52</sup>

In Britain, there were strong criticisms about many British consular appointees during the early part of the nineteenth century. It was said that:

These [consular establishments] form minor diplomatic appointments, ostensibly established [i.e. permanent], to watch over the interests of commerce, assist and facilitate the transactions of merchants in foreign parts. The duties being light, and the remuneration considerable, they form a favourite branch of ministerial patronage, and situations therein are mostly obtained by individuals connected with the aristocracy or possessing parliamentary influence.<sup>53</sup>

It was further stated that:

The little duty these gentlemen discharge may be inferred from the fact that many hold other situations, apparently requiring their entire personal attention, while others hold the appointment of consul in America, or distant parts of Europe, and reside, constantly, in the metropolis [London].<sup>54</sup>

Examples were given of several British consuls appointed during the periods when George Canning and Lord Aberdeen were Foreign Secretary (1822-27 and 1828-30 respectively). The individuals had been appointed as consuls in Chile, Guatemala, Hayti, and Peru; and despite being absent from their posts for up to two years in England had continued to be paid their consular salaries.<sup>55</sup> The point has been made that: 'For the first half of the nineteenth century a patronage of 170 appointments with annual salaries totalling nearly £100,000 still had substantial political value.'<sup>56</sup>

### *Privileges and immunities*

Staff in diplomatic and consular missions are entitled to certain privileges and immunities, the purpose of which is to enable them to carry out their official duties without hindrance. It is argued that they cannot function effectively if they are subject to all the domestic legislation of the receiving state. The principal terms and conditions of the privileges and immunities are set out in the VCDR and the VCCR.<sup>57</sup> They are implemented, or 'enabled', in the UK by the Diplomatic Privileges Acts 1964 and 1971, and the Consular Relations Act 1968 respectively. In some cases, the VCCR is supplemented by bilateral consular conventions. The distinctions between 'consuls' and 'diplomats' became increasingly blurred in the twentieth century due to the trend of most countries to merge their separate consular and diplomatic services into unified foreign services. As a consequence, the former separate privileges and immunities enjoyed by consuls and diplomats moved closer together.

It is difficult to define the differences between privileges and immunities. This is acknowledged by Satow, who states:

The distinction between an immunity and a privilege is not easy to define precisely and the terms are often used interchangeably, but in general a privilege

denotes some substantive exemption from laws and regulations such as those relating to taxation or social security, whereas an immunity does not imply any exemption from substantive law but infers a procedural protection from the enforcement process in the receiving state.<sup>58</sup>

Diplomatic staff are defined in the VCDR as members of the mission having diplomatic rank or as diplomatic agents (Articles 1(d) & (e)). The provisions of diplomatic privileges and immunities are fairly wide and need not be discussed here. However, broadly stated, they are that diplomatic staff are not liable to any form of arrest or detention, they enjoy immunity from the criminal jurisdiction of the receiving State (unless waived), the premises of their mission and private residence are inviolable as are the mission's correspondence, archives and documents and the agent's papers and correspondence, and apart from a few exceptions they are exempt from all dues and taxes, personal or real, national, regional or municipal. Most of these privileges and immunities apply equally to a diplomat's family.

It is often not appreciated that consular personnel do not have diplomatic status and are therefore not entitled to diplomatic immunity and privileges. They have only official acts immunity and limited personal inviolability. The VCCR divides privileges and immunities into those that apply to career consuls and consulates and those that apply to honorary consuls and honorary consulates. Career consuls are employed in embassy consular sections and in consulates general elsewhere in the UK. In their case, the VCCR lays down the following main provisions:

The consular premises are inviolable and may not be entered by the authorities of the receiving State without the consent of the head of the post, although this may be assumed in the case of fire or other disaster. **[This so-called 'fire clause' is specifically omitted from the VCDR and is a key difference between the premises of an embassy and those of a consulate.]**

The premises and residence of the career head are exempt from all national, regional or municipal dues and taxes other than those that represent payment for specific services rendered.

The consular archives and documents are inviolable.

Unless the sending State makes a waiver, consuls are not liable to arrest or detention pending trial except in the case of a grave crime and the decision is made by the competent judicial authority.

Unless the sending State makes a waiver, consuls and their consular employees are not amenable to the jurisdiction of the judicial or administrative authorities of the receiving State in respect of acts performed in the exercise of consular functions.

Unless the sending State makes a waiver, consuls may be called upon to attend as witnesses in judicial or administrative proceedings. If they decline to do so, no coercive measures or penalties may be applied to them. They are under no obligation to give evidence concerning matters connected with the exercise of their functions, or to produce official correspondence and documents relating to these, and may decline to give evidence as expert witnesses regarding the law of the country they represent.

Consuls and consular employees and members of their families forming part of their households are exempt, apart from a few exceptions, from all dues and taxes, personal or real, national, regional or municipal.

In the case of honorary consuls, the privileges and immunities are restricted chiefly to the following:

Unless the sending State makes a waiver, consuls and their consular employees are not amenable to the jurisdiction of the judicial or administrative authorities of the receiving State in respect of acts performed in the exercise of consular functions.

They are under no obligation to give evidence concerning matters connected with the exercise of their functions, or to produce official correspondence and documents relating to these, and may decline to give evidence as expert witnesses regarding the law of the country they represent.

The premises of an honorary consulate are exempt from all national, regional or municipal dues and taxes other than those that represent payment for specific services rendered.

The consular archives and documents are inviolable wherever they may be, provided that they are kept separate from other papers and documents and from the private correspondence of the head of the post and his consular staff and from the materials, books or documents relating to their profession or trade.

An honorary consul may be arrested or detained. If criminal proceedings are instituted against him, he must appear before the competent authorities.

Honorary consuls are exempt from paying all dues and taxes on the remuneration and emoluments they receive from the sending state in respect of the exercise of their consular functions.

None of the privileges and immunities enjoyed by honorary consuls is accorded to their families.

Diplomats and career consular officers are entitled to show their status on distinctive vehicle registration plates. The system in the UK is that for vehicles of the mission and diplomatic staff with grade 1 or 2 immunity the format of the diplomatic registration mark is a three-digit number followed by a 'D' or 'X' followed by another three-digit number; for example, 123 D 101. The first three-digit number identifies the mission or international organisation. Diplomats are expected to pay all parking tickets that they may receive, whether or not they are on official business, but their vehicles may not be wheel-clamped or towed away in any circumstances (private land being an exception).<sup>59</sup> For vehicles used by staff of consulates and international organisations who have only Official Act Immunity the format of the registration mark is similar to that issued to staff of missions except that the letter 'X' is used instead of the letter 'D'. Consular vehicles may be clamped and removed and the registered keeper is liable for any fees involved.<sup>60</sup> There are no special registration plates or stickers for vehicles used by honorary consuls. Local authorities in London have designated a number of parking spaces for the exclusive use of the diplomatic community. Diplomatic vehicles with 'D' or 'X' registration plates may park in them.<sup>61</sup>

The VCCR gives countries the right to fly their national flag and display their coat-of-arms (or shields) on the buildings occupied by their consulates and on the residences of the heads of posts. Flags and coats-of-arms may also be displayed on the head of post's vehicle but only when used on official business.<sup>62</sup> Examples of consulate shields are shown in Figure 7.



Austria



Sweden



Spain



Norway



United States



Denmark



Poland



China



Switzerland



Japan

Figure 7. A selection of consulate shields. The images for Austria and Sweden are reproduced by courtesy of their Ministries of Foreign Affairs. The others are from the researcher's collection.

### *Purchase of honorary consul appointments?*

While the openly direct purchase of career consular appointments may no longer be prevalent, there is evidence that suggests it may be possible to buy an honorary consular appointment. A very basic Internet search reveals more than fifty questionable organisations and companies, based for example in Russia, Singapore, USA, Ireland, and the UK, which advertise 'guaranteed methods' of obtaining honorary consul appointments. One claims that by following the methods outlined in its expensive publication individuals have received offers of consular appointments from Senegal, the Ivory Coast, Jamaica, Panama, Costa Rica, and other countries.<sup>63</sup> Another states that 'if you are a person of some substance and standing, probably in business and with no criminal record, and you don't live in a remote, small rural area, you are a suitable candidate. All you need is this complete step by step method to secure your position within months.' Payment of \$127 buys a copy of a book outlining the 'method'.<sup>64</sup> In 1993, an article in *The Sunday Times* gave details of a London-registered company which 'publishes catalogues offering an array of forged and bogus international documents. Bolivian honorary consul status costs \$100,000 (£67,000);...Those wishing to buy documents are given two addresses to contact. One is a mail forwarding service in Keighley, West Yorkshire. The other is a council flat in Tower Hamlets, East London.'<sup>65</sup>

It possibly goes without saying, but nothing in the current study has shown that any honorary consul in Britain has received his or her appointment by these dubious methods. Indeed, it would be surprising if this were the case.

### *Conclusion*

This chapter has explored various aspects relating to the appointment of consuls. It discussed the role played by the FCO and regional and local authorities and gave examples of the documentation involved, from the point of view of both the sending and receiving states. It showed that consular appointments may be withdrawn, for example if the incumbents fall out of favour with the governments of the countries they represent or fail to comply with the instructions they receive from them. However, in modern times this is a fairly unusual event in this country. The question of undertakings given by consuls on appointment is discussed, whether this be an oath or, in the case of US

consuls in the past, a financial bond. The relative importance of consulates, in terms of the fees or salaries formerly paid to consuls, is also considered. Political patronage for career consular appointments continues in some countries. Although appointment as a consul gives the holder a certain measure of privileges and immunities they are not as comprehensive as those given to diplomats in the missions but relate only to the consuls' official acts or functions; their personal inviolability is limited, particularly in the case of honorary consuls. Finally, the subject of buying consularships is examined, although the conclusion is that the present study has found no evidence that any consul in Britain has obtained a post by this method. Some of those organisations advertising the purchase of such posts also advertise how to obtain bogus university degrees. My advice to anyone thinking of pursuing one of these methods of obtaining a consularship is: *caveat emptor*.

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<sup>1</sup> I have, however, spoken to two foreign diplomats about their countries' selection procedures. One admitted that he was not required to submit himself to the normal competitive selection procedures but was appointed because both his father and grandfather had been members of his country's diplomatic service. Another said that in her country it was still important to be 'well connected', either through being a member of an influential family or knowing people who could 'pull strings'.

<sup>2</sup> In the Kingdom of Sweden and Norway in the nineteenth century applications were sought when a vacancy arose for a consul general or consul in the Swedish Consular Service. If the post's functions were not diplomatic, the vacancy was advertised in Swedish and Norwegian newspapers and also in those of the district where the vacancy had arisen. United Kingdom, House of Commons Parliamentary Papers 1872 (c.498) LXII, p.131.

<sup>3</sup> In summer 1999, administrative responsibility for protocol matters in the FCO was downgraded from the status of Department to Division. This decision prompted unfavourable comment in the media. See, for example, *The Times*, 11 August 1999.

<sup>4</sup> This section is based on extensive correspondence the researcher has had with the FCO, the Home Office, the Justice Department of the Scottish Executive, the Welsh Office, the Northern Ireland Office, the European and International Affairs Manager of Edinburgh City Council, the Head of Personnel and Commercial Services and the Lord Mayor's Secretary, Liverpool City Council, and the Personal Assistant of the Lord Mayor of Manchester.

<sup>5</sup> VCCR, Article 12.2.

<sup>6</sup> The practice of seeking the views of local civic heads is long-established. For example, in February 1871 the Provost of Leith, the Lord Provost of Edinburgh, and the Town Clerk of Lauder wrote in favour of George Smith, the nominee for US Vice Consul at Leith. All used the same formulaic terms, stating that 'he would receive the respectful recognition from the Municipal Authorities of their Corporations.' *Despatches from US Consuls: Leith, 1798-1893*. Roll 4, 12 January 1858 to 25 September 1871, Enclosures to Despatch No. 13, 13 February 1871.

<sup>7</sup> Letter dated 19 July 1999 to me from Ms Marcia Morris, Protocol Department (now Protocol Division), FCO.

<sup>8</sup> Both examples of exequaturs are reproduced by kind permission of the FCO.



<sup>9</sup> Letter dated 22 September 2003 to me from Robert Webb, Head of Diplomatic Missions & International Organisations Unit, Protocol Division, FCO.

<sup>10</sup> Letter dated 10 December 1997 to me from Professor George Hewitt, Professor of Caucasian Languages, School of Oriental and African Studies, University of London.

<sup>11</sup> A copy of the Commission is in my possession; its terms are reproduced, with permission, from the original held by Bristol Record Office. No reference supplied.

<sup>12</sup> A copy of the Exequatur is in my possession; its terms are reproduced, with permission, from the original held by Bristol Record Office. Ref. 8032/55.

<sup>13</sup> The consulates are Liverpool, Dublin, Cowes, London, and Poole. Compilation by researcher from pp.57-61 of Walter B Smith II, *America's Diplomats and Consuls of 1776-1865*, Occasional Paper No. 2, Washington DC, Department of State, Center for the Study of Foreign Affairs, Foreign Service Institute, 1986.

<sup>14</sup> Note enclosed with letter dated 12 December 2001 to me from Melanie Aspey, Archivist, The Rothschild Archives, London.

<sup>15</sup> Reproduced by kind permission of The Rothschild Archive, London. Reference: RfamOP/12/1.

<sup>16</sup> Sinclair Aitken, Finnish Honorary Consul in Dundee from 1979 to date, has given a humorous description of his appointment. He received a letter from the Finnish Ambassador asking him to call on him when next in London. 'The taxi drive to the Embassy was interrupted when I asked the cabbie to stop at the nearest booksellers to allow me to purchase a volume on Finland, as I had the sudden thought that I might be asked to answer questions on the current political scene, the economic climate and the general infrastructure of this country of which my knowledge was confined to the shipping agency of flag vessels and products. As it transpired, the Ambassador was a diplomat of the "old school" and my interrogation was confined to London restaurants and various sporting activities in Scotland.' G Alastair Lean, *As it was in the beginning: Finnish Consular Representation in the United Kingdom 1919-1994, Some Outline Notes*, (No publication details given), p.48.

<sup>17</sup> An interesting example that might have gone wrong occurred when the Finnish Legation in London asked the Lord Mayor of Newcastle upon Tyne to recommend a suitable person for Finland's first consular post in the city. A local businessman, John T Steel, was suggested and was invited to apply. In his letter of 29 May 1919 he said that he had been 'forty years in the Coal exporting and Ship Brokering business, 23 years of which I have been in business on my own account. For many years my firm was the chief Ship Broker for Russian ships and we have a Russian in our employ, a native of Windau, and I would thus have the use of his knowledge of the Russian language.' This was a particularly insensitive gaffe given that Finland had gained its independence from Russia only two years previously. The Finnish Consul in London replied: 'I cannot but feel aggrieved that after we have been able to shake off the Russian yoke, and become free and independent, you should speak about using the Russian language in the future Finnish Consulate, which would not be received with rejoicing by Finns calling at the Vice-Consulate.' However, Steel managed to extricate himself in a masterly diplomatic and apologetic letter and was appointed to the post, which he held for more than four years. G Alastair Lean, pp.76-7.

<sup>18</sup> 'London said it was not impressed by Chen's record: 15 years jail in Hong Kong for a gold robbery, three years jail for another robbery and a conviction for illegal gambling.' *Pacific Magazine and Islands Business*, April 2001. [online] Available from: <http://www.pacificislands.cc/pm42001/pmdefault.php?urlarticleid=0036> [accessed 7 November 2002]. A basic internet search reveals that Vanuatu's record in nominating and appointing honorary consuls leaves something to be desired.

<sup>19</sup> *A British Digest of International Law* 8, 1965, p.59.

<sup>20</sup> *The Times*, 23 August 1869, p.8, col.6. The article also quotes *The New York Times* as stating '...this refusal [by the Foreign Office] was not unexpected. The appointment was a mistake. Mr Haggerty had made himself obnoxious to British authority by active participation in the Fenian movement...'

<sup>21</sup> There was considerable correspondence in *The Times* about this incident, in September 1922 and April 1924 (when the consulate was reopened). There are also numerous documents in *Papers relating to the foreign relations of the United States*, Vol.2 for each of 1922, 1923, and 1924, pp.392-407, 306-315, and 249-252 respectively. It is my intention to conduct further research on this incident at a later date.

<sup>22</sup> *A Brief History of United States Diplomacy*, Association for Diplomatic Studies and Training, Arlington VA, 1996, p.15.

<sup>23</sup> No reasons were given for this action. *The Times*, 31 January 1891, p.10, col.f.

<sup>24</sup> G Alastair Lean, p.38.

<sup>25</sup> *Ibid.*, p.47.

<sup>26</sup> Letter dated 22 September 2003 to me from Robert Webb, Head of Diplomatic Missions & International Organisations Unit, Protocol Division, FCO.

<sup>27</sup> The Canadian Government now has an open policy for recruiting honorary consuls and gives the following advice on one of its websites: 'Persons seeking an appointment as a Canadian honorary consul should write to the Director General, Consular Affairs...or to the ambassador or high commissioner of the Canadian office responsible for the city in which the appointment is being sought.' Available from [http://www.voyage.gc.ca/main/foreign/can\\_offices\\_desc-en.asp](http://www.voyage.gc.ca/main/foreign/can_offices_desc-en.asp) [accessed 13 August 2003]

<sup>28</sup> Internal memorandum dated 23 September 1999 from Keith Gillespie, Lord Mayor's Secretary, Liverpool.

<sup>29</sup> Baron Alphonse Heyking, *A Practical Guide for Russian Consular Officers and all Persons having Relations with Russia*, Second Edition, London, P S King & Son, Ltd., 1916, pp.5-6.

<sup>30</sup> Sometimes referred to as *Bond de fideli administratione officii*.

<sup>31</sup> Report by F Pakenham, Acting Chargé d'Affaires, British Embassy, Washington. United Kingdom, Parliamentary Papers 1872 (c.498) LXII, p.151, para.11.

<sup>32</sup> *Ibid.*, p.152, para.11.

<sup>33</sup> *Despatches from US Consuls: Leith, 1798-1893*. Roll 4, 12 January 1858 to 25 September 1871, letter dated 23 March 1860 with which was enclosed bond dated 21 March 1860, signed by James McDowell Jr., James Methven, and Harry G Montgomerie.

<sup>34</sup> *Despatches from US Consuls: Leith*, letter dated 15 January 1858 from James McDowell Sr.

<sup>35</sup> *Ibid.*, letter dated 23 August 1861 from Neil McLachlan.

<sup>36</sup> *Ibid.*, report dated 1 January 1866 by Neil McLachlan.

<sup>37</sup> Charles Stuart Kennedy, *The American Consul: A History of the United States Consular Service 1776-1914*, Westport CT, Greenwood Press, 1990, p.72.

<sup>38</sup> Report by F Pakenham, p.151, para.1. It is interesting to compare the salaries of the American Consuls in Liverpool and London with that paid to their British opposite number in New York round about this time. He was the highest paid British consul in America and received a salary of £1200, plus £900 for office expenses. He was not permitted to retain fees. Even allowing for cost of living differences it is probable that the British consul's equivalent salary was lower than those of the American consuls in Liverpool and London. FOLDCYB 1868, p.201.

<sup>39</sup> *American Journal of International Law*, Supplement to Vol.1, 1907, p.332; and Supplement to Vol.5, 1911, pp.143-4 respectively.

- <sup>40</sup> United Kingdom, House of Commons Parliamentary Papers 1872 (c.498) LXII, p.132.
- <sup>41</sup> Ernest G Dashwood-Evans, *Consulado Geral da Republica Federativa do Brasil: Good Relations (1822-1972) with Liverpool*, Liverpool, Seel House Press, 1973, p.38.
- <sup>42</sup> Kennedy, p.210.
- <sup>43</sup> Roy P Basler, ed., *The Collected Works of Abraham Lincoln*, Vols. IV, 1860-61, New Brunswick NJ, Rutgers University Press, 1953, p.284; Smith, *America's Diplomats and Consuls of 1776-1865*, p.57.
- <sup>44</sup> Basler, p.300.
- <sup>45</sup> Smith, *America's Diplomats and Consuls of 1776-1865*, p.60.
- <sup>46</sup> The Free Soil Party was a political party from 1848 until 1854, when it merged with the Republican Party. It opposed slavery.
- <sup>47</sup> Eastman was a Chicago newspaper editor and abolitionist. Basler, p.494; Smith, p.58.
- <sup>48</sup> Basler, Vol. VIII, p.337.
- <sup>49</sup> Ibid.
- <sup>50</sup> Al Kamen, 'In the Loop', *Washington Post Magazine*, 22 March 1998, p.4.
- <sup>51</sup> Letter dated 4 August 2003 to me from Denis P Coleman, US Consul General, Bermuda.
- <sup>52</sup> *Maclean's*, 7 May 1993, Vol. 106, Issue 27, p.7.
- <sup>53</sup> John Wade, *The Extraordinary Black Book*, Second Edition, London, 1831. Reprinted by the Irish University Press, 1971, p.188.
- <sup>54</sup> Ibid., pp.189-190.
- <sup>55</sup> Ibid., pp.190-2.
- <sup>56</sup> D C M Platt, *The Cinderella Service: British Consuls since 1825*, London, Longman, 1971, p.21.
- <sup>57</sup> United Nations. *Vienna Convention on Diplomatic Relations 1961, UN Treaty Series, Vol. 500, p.95*; *Vienna Convention on Consular Relations 1963, UN Treaty Series, Vol. 596, p.261*.
- <sup>58</sup> Lord Gore-Booth, ed., *Satow's Guide to Diplomatic Practice*, 5th edition, London, Longman, 1979, 15.1.
- <sup>59</sup> Letter dated 28 January 2000 to me from Mrs Nita Humphreys, Protocol Division, FCO.
- <sup>60</sup> Letter dated 19 January 2000 to me from Mrs S Cairns, Diplomatic and Consular Section, Driver and Vehicle Licensing Agency, Wimbledon Vehicle Registration Office, London.
- <sup>61</sup> *Information for Diplomats*, Parking Committee for London, 2002.
- <sup>62</sup> Article 29.
- <sup>63</sup> <http://www.expatsworld.net/bookstore/HCSample.PDF> Accessed 9 July 2003.
- <sup>64</sup> <http://www.elitereports.com> Accessed 7 July 2003.
- <sup>65</sup> *The Sunday Times*, 18 July 1993, p.1/9.

## CHAPTER 5

### HONORARY CONSULAR FAMILIES AND COMPANIES

#### *Introduction*

This chapter looks at some of the families and companies that have been part of the honorary consular scene over the centuries. Their histories are inextricably linked with the history of consular representation in this country.

#### *Honorary consular families and companies*

For the purposes of this study consular families are those that have produced a long line of consuls either within the families themselves or, more commonly, within companies of which they are owners, directors or employees. In many instances, the consularships associated with these companies have been handed down in a manner resembling apostolic succession. Of course, such arrangements suit both parties—even today. Companies keep the prestigious consular shields outside their premises, thus adding to the company's status within the local community. In the past those that were, say, merchants, shipping agents or brokers, would be able to take advantage of their consular position to steer business their own way.<sup>1</sup> For example, 'on arrival in a port a ship's master, who had no return cargo and probably did not speak English, would immediately seek the advice of his consul or vice consul in obtaining an agent or broker.'<sup>2</sup> From the point of view of the sending states, retaining consularships within a company or family ensures continuity of expertise, support staff, and premises. Although some consular families specialised in a particular region the majority had an eclectic and unrelated spread of countries in their consular portfolios. For example, the following specialised in Latin American countries: Bovey (Cardiff, Swansea), Dunlop (Southampton), Heard (Newport, Swansea), Hotchkiss (Birmingham), Lord (Birmingham), Moran (Hull), Sutcliffe (Grimsby), and Weidner (Newcastle upon Tyne). Many others specialised in Baltic and Scandinavian countries. Most represented more than one country, some of them considerably so, as can be seen from Table 5, which shows the highest numbers of countries represented by particular families during

the period from at least 1859 to 1965. Indeed very few families represented only a single country.

**Table 5**  
**Multi-country consuls (36-13)**

<i>Number of countries</i>	<i>Family name</i>	<i>Location of consulates</i>
36	Fox	Falmouth, Plymouth, Southampton, Totland Bay
22	Dawson	Cork, Queenstown
19	Burke	Belfast, Londonderry
19	Hammond/Ryeland	Deal, Dover, Folkestone, Margate, Ramsgate
18	Ryan	Dublin, Limerick
17	<i>Heard</i>	<i>Newport, Swansea</i>
17	Latham	Dover
17	Williams	Harwich
16	Banfield	Scilly Isles, Penzance
16	Hingston	Dartmouth, Salcombe Bay, Torbay
16	Hodges	Deal, Dover, Folkestone, Margate, Ramsgate
16	Jones	Newport
16	Preston	Great Yarmouth
16	Van den Burgh	Gosport, Portsmouth, Southampton
15	Kelway	Milford Haven
15	Bovey	Cardiff, Swansea
13	Groom	Harwich
13	Seymour	Cork, Dublin, Queenstown
13	Roberts	Milford Haven

Source: compiled from Foreign Office Lists & Diplomatic and Consular Year Books.

Includes Ireland up to 1922.

Although the FOL & DCYBs were first published in 1852, details of consulates did not appear until the 1859 edition. The last edition was published in 1965.

For reasons of space, the Table does not list the many consuls who represented between two and twelve countries. However, Table 6 shows the numbers of such consuls in summary form. It is not practicable to list the consulates' locations but they are in ports throughout all the regions of the UK.

**Table 6**  
**Multi-country consuls (12-2)**

Number of countries	Number of families
12	5
11	4
10	3
9	7
8	9
7	6
6	18
5	16
4	34
3	37
2	24

Source: compiled from Foreign Office Lists & Diplomatic and Consular Year Books.

Includes Ireland up to 1922.

Although the FOL & DCYBs were first published in 1852, details of consulates did not appear until the 1859 edition. The last edition was published in 1965.

The tradition of representing more than one country was probably because the number of countries seeking consular representation outstripped the number of suitable candidates in the ports. This would be especially the case in the smaller ports where there might be only one or two suitable individuals. From the point of view of established consuls there would be only marginal costs involved in taking on additional consular representation. Multi-country representation is still prevalent and is considered in Chapter 10.

In the past, consular families and companies were likely to be the rule rather than the exception and examples would be found in most ports. It was also common for fathers to send their sons to various ports in Europe to learn the language and the trade, thus bringing useful knowledge, expertise, and contacts upon their return to the family business. When abroad, several also married well-connected local women and this often strengthened their foreign trading links with the areas concerned. There are far too many families to list, but several typical ones are described in the following paragraphs.

#### *The Fox family*

The Fox family is of interest on several counts. It is an old-established Quaker family based in Cornwall, principally in Falmouth, and has the distinction of having the

longest unbroken record for providing consuls in Britain, during more than two hundred years; also, as is shown in Table 5, it represented the highest number of countries during that period. The firm of George Croker Fox & Co. was founded in Fowey in 1754, moving to Falmouth in 1762 where it had interests in shipping, mining, and tin smelting. The family's first consular appointment traced by this study was held by George Croker Fox as vice consul for Portugal in 1790.<sup>3</sup> The list of the heads of states who appointed members of the family as consuls reads like a roll call of history. For example: American Presidents Washington, Madison, Lincoln and Grant; European monarchs Leopold I and II, Christian IX, Queen Wilhelmina, Gustav VI; Kaiser Wilhelm; the Mexican Emperor Maximilian; and Führer and Reich Chancellor Adolf Hitler.<sup>4</sup> Many family members had similar, sometimes identical, Christian names which at times makes it difficult to keep track of them. Robert Ware Fox, during his service as American consul from 1794 to 1812 and from 1815 until his death in 1818, is said to have been possibly the only consul who used the familiar 'Thou' (favoured by Quakers) in his consular despatches to the Secretary of State.<sup>5</sup> The family's long consular tradition ended in 2001 when the last consul, Charles Lloyd Fox, decided for personal reasons to resign his six appointments (France, Germany, Greece, Netherlands, Norway, Spain).<sup>6</sup>

#### *The Latham, Hammond, and Ryeland families*

The shipping agencies of Latham & Co., Dover, and George Hammond & Co., Deal, Ramsgate, and Margate can both trace their origins to 1792. They amalgamated in 1876 as Latham, Hammond & Co., and the following year as George Hammond & Co., based in Dover. Consular appointments have been held by almost all of the partners in both companies, beginning with Latham & Co. whose partners (all members of the Latham family) by 1821 represented seven countries; in 1840, George Hammond received his first consular appointment, as vice consul for the Kingdom of Sweden and Norway. Since those early days Hammond partners and directors have represented thirty-four countries at various times and under various changes of country names.<sup>7</sup> The Ryeland family entered the company in 1925 and have held consularships since then, continuing to do so in 2003.<sup>8</sup> Nowadays, the company has diversified from a shipping agency and includes marine services, port services, petrol and liquid petroleum gas retailing, and 'roll on roll off' activities.

*The Rothschild family*

For many years, members of the Rothschild banking family in London were consuls general for the Austro-Hungarian Empire. The connection began in 1820 with the appointment of Nathan Mayer Rothschild. Upon his death in 1836 his elder son Lionel succeeded him in the post and was appointed by the Austrian Emperor on 12 December 1837, holding the post until 1858 when he was elected to Parliament and asked to be relieved of the post (he had stood as a Liberal for one of the four City of London seats). His younger brother Anthony succeeded him on 25 August 1858. Following Anthony's death in early 1876, Lionel's younger son Alfred de Rothschild (the prefix 'de' had been added to his name) was appointed consul general on 16 February 1876, holding the appointment until 12 August 1914 when Britain declared war on Austria-Hungary. After that date, the British branch of the family held no further consular appointments. In France, members of the French branch had previously held consular appointments for Austria-Hungary (James de Rothschild, Nathan's brother) and the North German Confederation (Alphonse de Rothschild, James's brother).<sup>9</sup>

*The Millar family*

The Millar family were successful timber merchants in the Scottish port of Montrose. They held consular appointments at various times from at least 1862 until 1947.<sup>10</sup> The family added the surname 'Hoyer' upon the marriage in 1806 of Robert Millar, one of the founders of the firm, to the daughter of Christian Hoyer of Christiansand, Norway. At different periods, they were consuls for Norway, Prussia, Germany, and Sweden. The business of Robert Millar and Sons continued until after the end of the Second World War, with ships sailing between Montrose and Baltic and Scandinavian ports. As well as long consular links, the family gained a diplomatic connection when Frederick Hoyer-Millar entered the Foreign Office in 1923. During a distinguished career he was knighted and held senior posts such as ambassador to Germany and Permanent Under-Secretary of State at the Foreign Office. On retirement in 1962 he was created Baron Inchyra; he died in 1989.<sup>11</sup>

*The Samuel family*

The shipbroking business of Hannan Samuel & Co Ltd was established in the Cornish port of Fowey in 1886. J H Hannan, representing France, Russia, and Spain held the first consular appointments during the early 1900s. On his death in 1918 his



partner Sydney James Samuel assumed control of the company but did not hold any consularships until the early 1920s. None of these included the posts previously held by J H Hannan (of course after the 1917 Revolution there was no Russian consular presence except for the consular section in the Soviet Embassy in London). At various times over the years, members of the Samuel family have represented Belgium, Estonia, Finland, France, Latvia, Sweden, and The Netherlands. The remaining member of the family moved to Plymouth in 1994 for business reasons, and the Fowey consular presence was closed and transferred to Plymouth. In 2003, the same member represented Finland and The Netherlands (post obtained in 1999) in that port.<sup>12</sup>

#### *The Carlbom family*

Swedish-born John Carlbom arrived in Grimsby in the late 1880s, and in 1897 set up business as a shipbroker and chartering agent in the town. The company moved to Immingham in 1977 and now trades as Carlbom Shipping Ltd; it has represented Sweden's consular interests since at least 1912 and those of Finland since January 1920. The appointments have been held by partners of the firm, alternating between family and non-family members. A member of the family, appointed to the Swedish post in 1961 and to the Finnish post in 1981, was still serving in 2003.<sup>13</sup>

#### *The Good family*

The family firm of John Good & Co Ltd were consuls in Hull from at least 1852, initially representing only Denmark until at least 1892. However, they had traded with Finland since the early nineteenth century and as a result of this were appointed as Finnish consular representatives immediately after Finland gained independence, with Ambrose Good being appointed as vice consul in 1919. They also represented Estonia from at least 1932 until 1947, and added Germany in 1955. Members of the family still represented Finland and Germany in 2003.<sup>14</sup>

#### *The Heyn family*

Gustavus Heyn, a German, established his ship-owning business in Belfast in 1823. He and members of his family held consular appointments for a large number of countries, with Gustavus holding the highest number (eleven) by 1859. The family's consularships were held until at least 1915. In 1937, the family's ownership of the business ceased and it went through various changes until the 1970s when it became the

Heyn Group. The consular connection was not lost, however, and in 2003 a senior member of the Group was consul for Denmark, Sweden, and Iceland in Belfast, having been appointed to the posts in 1975, 1977, and 1999 respectively.<sup>15</sup>

#### *The Burke family*

The shipbroking firm of John Burke & Co. was established in Belfast in 1853. Its consular connections date from at least 1893, and by 1902 the firm represented seven countries. In 1922 on the death of the founder one of his eight sons, Arthur Ulick Burke, returned to Belfast from Dublin, where he had a successful law practice and had been Finnish vice consul, and took over as managing director of the firm. In the course of a long career he held numerous consularships, and by 1962 represented eleven countries. He was the longest-serving and oldest Finnish consul, having represented the country from 1922 until a few days before his death in 1970 at the age of eighty-eight. Although the company remains a family business, its consular connections appear to have ceased.<sup>16</sup>

#### *The Carøe family*

Anders Kruuse Carøe (with diagonal marking on the 'o'), founder of the firm of grain merchants and brokers, set up business in Leith before moving to Liverpool where he became consul for Denmark in July 1877. The family's best known member was Sir Athelstan Carøe (adopting an umlaut on the 'o'), who was consul from 1931 until 1973 and also Icelandic consul from 1947 until 1984. His son became Danish consul in 1973 but relinquished it in 1979 on moving from Liverpool, thus ending a consular link with Denmark which had lasted over a century. The consular connection with Iceland passed out of the family in 1984.<sup>17</sup>

#### *The Salvesen family*

Theodor Salvesen left Norway in 1837 to gain experience of shipbroking and worked in Prussia and Scotland before establishing his business in Grangemouth, Scotland. He was appointed Hanoverian vice consul in 1846, and later consul for Belgium, Netherlands, Norway and Sweden, Prussia, and Russia. The business prospered and he also set up a branch in Leith with a partner, George Vair Turnbull, and in 1851 arranged for his younger brother Christian to work there as a manager. Before leaving his home town of Mandal in the south of Norway, Christian married Amalie

Andersen the daughter of Gulow Andersen, a local businessman who was Dutch and Hanoverian consul and British vice consul. In 1857 Christian became a naturalised British citizen and a partner in the Leith business, becoming Hanoverian vice consul there two years later. Turnbull had been appointed Netherlands vice consul in the port three years previously. Theodor died in 1865 and Christian became sole partner in 1872, establishing the firm as Christian Salvesen & Company. He brought three of his sons into the business in the 1880s, all of whom eventually held consularships: Johann Thomas became vice consul (by 1882) for the kingdom of Sweden & Norway in Granton, a small port near Leith (he was appointed consul for Norway in Edinburgh in 1906), Fred became Danish vice consul in Granton by 1912 (he was appointed Danish consul in Leith in 1924), and Theodore Emile (Ted) became French consular agent in Edinburgh (1901), Finnish vice consul in Leith (1920), and after Thomas's death Norwegian consul in Leith (1927-39). In 1903, the firm diversified into whaling and by the time that Christian died in 1911 his sons controlled the largest whaling organisation in the world.<sup>18</sup> Over the years, family members held consularships for Belgium, Denmark, Finland, France, Hanover, Netherlands, Norway, Prussia, Russia, Sweden, and the Kingdom of Sweden and Norway, and non-family directors held consularships for Finland and Norway until 1989 and 1988 respectively. The company later diversified further and is now an international logistics company but no longer has any consular connections.<sup>19</sup>

Other consular families, too numerous to describe in detail, include Alpine (Ardrossan, Troon), Atkinson (Hull), Balfour (Sheffield), Banfield (Scilly Isles), Beynon (Newport, Swansea), Bradbeer (Lowestoft), Butcher (Great Yarmouth, Lowestoft), Connell (Burntisland), Cook (Aberdeen), Jones (Newport), Kelway (Milford Haven), MacIver (Stornoway), Prescott (Dover, Folkestone, Ramsgate), Read (Boston), Spashett (Great Yarmouth, Lowestoft), Warlow (Preston), and Whitwill/Whitwell (Bristol). Other companies include Hay & Company (Lerwick), Sandell Brothers (Southampton), and Shearer Shipping Services (Lerwick).

### *Conclusion*

The chapter has shown that there is a long-established tradition of families and companies providing consular services. It has also revealed how consuls more often than not represented several countries, an arrangement based on pragmatic

considerations, and it described the advantages for both parties of such an arrangement. The practice continues to the present day, albeit at a greatly reduced rate.

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<sup>1</sup> This does not of course comply with modern practice whereby such possible conflicts of interest would be unacceptable or at least open to criticism. However, the fact that income from consularships was never particularly high would doubtless have encouraged consuls to make use of their positions to obtain trade advantages whenever the opportunity arose.

<sup>2</sup> Wray Vamplew, *Salvesen of Leith*, Edinburgh, Scottish Academic Press, 1975, p.7.

<sup>3</sup> Privately produced handlist of G C Fox & Co. consular appointments supplied to me by Charles Lloyd Fox, July 2001.

<sup>4</sup> Ibid.

<sup>5</sup> Information from State Department; Charles S Kennedy, *A History of the United States Consular Service 1776-1914*, Westport CT, Greenwood Press, 1990, p.46.

<sup>6</sup> Telephone call on 16 October 2001 from Charles L Fox informing me that he had submitted his resignation to the relevant embassies. Factors influencing his decision included ownership of the firm of G C Fox & Co. changing several times within a relatively short period, and a decrease in the amount of consular activities.

<sup>7</sup> Nigel Watson, *Time and Tide Wait for no Man: George Hammond PLC, 1767-1992*, Cambridge, Granta, 1992, pp.3, 22, 139, 141.

<sup>8</sup> *Database2*; questionnaires completed by members of the Ryeland family for *Consular Survey*; Watson, p.140.

<sup>9</sup> Niall Ferguson, *The World's Banker: The History of the House of Rothschild*, London, Weidenfeld & Nicolson, 1998, pp.xxii, 214-218, 532, 561-2, 713; FOLDCYB 1914, p.564; letter dated 6 December 2001 to me from Ms Melanie Aspey, Archivist, The Rothschild Archives, London.

<sup>10</sup> *Database2*.

<sup>11</sup> Ibid.; letter dated 24 July 2002 to me from Lord Inchyra; Burke's Peerage & Baronetage, 106<sup>th</sup> Edition, London, 1999, pp.1502-3; Anthony Seldon, *The Foreign Office: an Illustrated History of the Place and its People*, London, HarperCollins Illustrated, 2000.

<sup>12</sup> G Alastair Lean, *As It Was in the Beginning: Finnish Consular Representation in the United Kingdom 1919-1994. Some Outline Notes*, (No publication details shown), pp.50-3; *Database2*; questionnaires completed by J A Samuel, Plymouth for *Consular Survey*.

<sup>13</sup> Lean, pp.56-7; questionnaires completed by Anthony Carlbon, Immingham for *Consular Survey*.

<sup>14</sup> Lean, pp.58-9; questionnaires completed by John Ambrose Good and John Andrew M Good, Hull for *Consular Survey*; *Database2*.

<sup>15</sup> *Database2*; questionnaire completed by Michael Maclaran, Belfast for *Consular Survey*.

<sup>16</sup> *Database2*; Lean, *As It Was in the Beginning*, p.38; brief company history, available from: <http://www.burkebelfast.co.uk/history.html> [accessed 15 August 2003]

<sup>17</sup> *Who Was Who 1981-90*, p.123; letter dated 24 June 2000 to me from Charles F Carøe; telephone interview with him on 28 June 2000; *Database2*.

<sup>18</sup> An idea of the size of the whaling industry may be gained from the following statistics: as late as 1947/48 in the Antarctic alone 31,318 whales were caught, 5794 of them by Salvesen whalers. Compiled from Vamplew, Tables 39 and 33 respectively. The highest number ever caught in the same region was 46,039 in 1937/8, of which Salvesen's caught 5,972. Compiled from Vamplew, Tables 37 and 32 respectively.

<sup>19</sup> Vamplew, pp.3-55, 133-162, 257-260, 288-97; Database2; letter dated 23 July 2003 to me from Kim Dicks, Christian Salvesen Plc, Northampton; Alastair E H Salvesen, *Slekten Salvesen 1550-1995*, East Linton, Scottish Families Researched, 1995.

## CHAPTER 6

### CONSULAR UNIFORMS, FOREIGN HONOURS, CONSULAR CORPS AND ASSOCIATIONS

#### *Introduction*

This chapter discusses several relatively unknown aspects of consular life which though long-standing continue, with the exception of uniforms, to feature in the activities of contemporary consuls. The seemingly disparate aspects have been linked because in many ways they are interrelated. For example, they all have in common the concepts of tradition and consular collectivity. The origins, purposes, and designs of uniforms are explored and contrasted with the older tradition of diplomatic uniforms. Photographs of several uniforms are included since they better exemplify and amplify the descriptions given in the text. Also explored is the practice of heads of state and governments bestowing awards or honours on consuls. Finally, the chapter considers the custom of consuls banding or grouping together into corps or associations.

#### *Consular uniforms*

The wearing of a uniform or distinctive clothing of one kind or another is a custom which stretches back to earliest times and is found in all societies; its purpose is to distinguish the wearers from other individuals or to identify them with a particular grouping, office, organisation, company, or even a person. The 'source body' to which the uniform relates may, inter alia, be religious (for example, robes worn by clergymen) or secular (for example, military uniforms, uniforms worn by members of royal households, or increasingly nowadays those worn by employees of companies such as banks, building societies, and supermarket stores). However, the uniforms discussed in this study are those which may be described as ceremonial, rather than functional. They certainly were not intended to be worn on a day to day basis.

It seems likely that diplomatic uniforms preceded consular uniforms since diplomats in the past represented monarchs and were members of titled families, often

holding appointments in royal households; they would normally wear some kind of uniform, military or civil, when attending court functions or levées. They were therefore accustomed to wearing distinctive garments. On the other hand, early consuls were generally elected from among groups of merchants and continued to function as merchants, which was their principal occupation. They would thus be unlikely to wear raiment that distinguished them from their colleagues and would not generally come from a background where a civil or military uniform would be worn. It is difficult to specify when the earliest consular uniforms appeared, but they were certainly in vogue by 1815 and were well-established by the mid-nineteenth century.<sup>1</sup>

As has been mentioned earlier in this study, most countries formerly had two separate overseas representative services (diplomatic and consular), with the diplomatic service being regarded as superior to the consular service. It followed, therefore, that differences between diplomats and consuls would require to be reflected in their uniforms. It would be *infra dig* for a diplomat if he were to be confused with a consul. While only the *cognoscenti* or those to whom uniforms were important symbols of office and rank could identify the various subtle differences in the uniforms, the most readily discernible difference to the lay person's eye was that the embroidery and braiding on diplomatic uniforms were gold, and on consular uniforms was usually silver with some gold—but there were often exceptions to this general rule. Distinctions between the two services remained until unified diplomatic services or foreign services were established. There was no difference, however, between uniforms worn by career and honorary consuls. This is not unusual and is similar, for example, to present-day practice in the British Army where there is no difference between uniforms, ranks, and insignia worn by regular army personnel and reserve army personnel.

The founders of the American republic were anxious to avoid emulating the customs and practices of the European powers which insisted that their diplomats and consuls wear ostentatious and elaborate uniforms, decorations and other flummeries. Nevertheless, the American authorities recognised that their representatives would look out of place at formal diplomatic gatherings if they were not wearing some kind of uniform, so they arrived at a compromise. In 1790, Secretary of State Thomas Jefferson sent a Circular to consuls informing them that 'The Consuls and Vice-consuls of the United States are free to wear the uniform of their navy, if they chuse [sic] to do so.

This is a deep blue coat with red facings, lining and cuffs, the cuffs slashed and a standing collar; a red waistcoat (laced or not at the election of the wearer) and blue Breeches; yellow buttons with a fowl anchor, and black cockades and small swords.<sup>2</sup> Until 1817 American diplomats had generally invented their own uniforms, but this had led to a wide variety and types being worn.<sup>3</sup> The Department therefore issued a circular in 1817 standardising the uniforms to be worn by its diplomats, based on those which American representatives had designed for themselves in 1814 to wear at the Conference in Ghent. Two years previously the Department had standardised the uniforms which its consuls should wear. In its forty-two page booklet 'General Instructions to the Consuls and Commercial Agents of the United States, 1838' it refers to the Department's Circular of 8 August 1815 and says that the uniform prescribed in 1815 must be worn 'on all visits of ceremony to the authorities of the place, and on all proper occasions.'<sup>4</sup> Despite the fledgling republic's external image of an egalitarian society, enshrined in its 1776 Declaration of Independence by the affirmation 'that all men are created equal', it did not regard its diplomats as the equals of its consuls. Inequalities were reflected in differences between their uniforms. In 1853, the Department issued another circular which encouraged the wearing of 'the simple dress of an American citizen'.<sup>5</sup> By 1915, the uniform for American diplomats had been simplified and was described as:

Full-dress jacket: Stand-up collar with gold-metallic embroidered leafage panel and border trim. Black wool flannel fabric, with front closure of 8 gilt brass US State Eagle buttons. Tails and applied cuffs similarly decorated. Silk twill lining. Coordinate trousers with side stripes of applied gold leaf-pattern bands. Bicorné hat in black, with black feathered trim, metallic gold embroidery, single gilt button, black gros-grain ribbon bands, and red, white and blue appliqués. Complete with pearl-handled dress sword; leather scabbard, gilt-metal fittings.<sup>6</sup>

It is not known when American officials ceased to wear uniforms, but in 1937 President Franklin D Roosevelt issued an order 'directing that no person in the diplomatic or consular service should wear a uniform or official costume not previously authorised by Congress', although this was 'something that Congress never did.'<sup>7</sup> Nowadays, American diplomats and consuls do not wear uniforms.



Up to the time of the October Revolution in 1917, Russian honorary consuls wore uniforms which were less ostentatious than those favoured by other countries. On State or other important occasions the uniform consisted of a double-breasted frock coat in dark green cloth and an overcoat of dark grey cloth, also double-breasted. Both had similar collar straps 'of black velvet, braided in red on three sides, and 1¾ to 2 vershoks long and ¾ of one vershok wide, the rank of the wearer being indicated by small gold stars and silver slashes on the velvet.'<sup>8</sup> There was also a waistcoat, white chamois leather gloves, and a sword. Hats were either three-cornered or a peaked cap, depending on the occasion. On ordinary occasions, a tail coat was worn.

Not only were there differences between diplomatic and consular uniforms but there were also differences on consular uniforms to denote the various ranks. For example, in 1868 the uniform regulations for British consuls stated that the coat was to be 'in blue cloth, Prussian collar, single breasted with nine buttons placed at equal distances, and to be embroidered in gold and silver according to pattern.' The coat of a *consul general* would be embroidered on the collar, cuffs, pocket flaps, and back, the embroidery to be two and a half inches wide; the coat of a *consul* would be similar but with embroidery two inches wide. A *vice consul's* coat would be embroidered only on the collar and cuffs and be one and a half inches wide.<sup>9</sup> There were similar detailed specifications for the hat, sword, scabbard, breeches or trousers, gloves, and boots or shoes. Figures 8, 9, and 10 show consular uniforms worn by British nationals who represented various foreign countries, As can be seen, all countries favoured distinctive uniforms, with various differences in styles, embroideries, and other trimmings to distinguish them from those of other countries. It is worth reminding oneself that the consuls in these photographs are full-time businessmen, not career consuls.

There can be little doubt that honorary consuls enjoyed the possibility of wearing an impressive uniform and cutting a dash when attending formal events in their localities. In Figures 8, 9, and 10 the consuls look pleased to be wearing their uniforms, and in the case of Radonicich (Figure 8) supremely confident. For some, i.e. those who had not had military service, it might be the only uniform they would ever wear. Nathan Rothschild, Austro-Hungarian consul general in London, was particularly fond of his consular uniform and seldom lost an opportunity to wear it, even at home with friends. An account by a guest of an after-dinner episode reflects this: '[He] showed it to us, and



**Figure 8. Elis Radonicich, Honorary Venezuelan Consul, Glasgow, 1911-c.1947, wearing consular uniform. (Victoria and Albert Museum, Lafayette Collection. Ref. LAF 11004)**

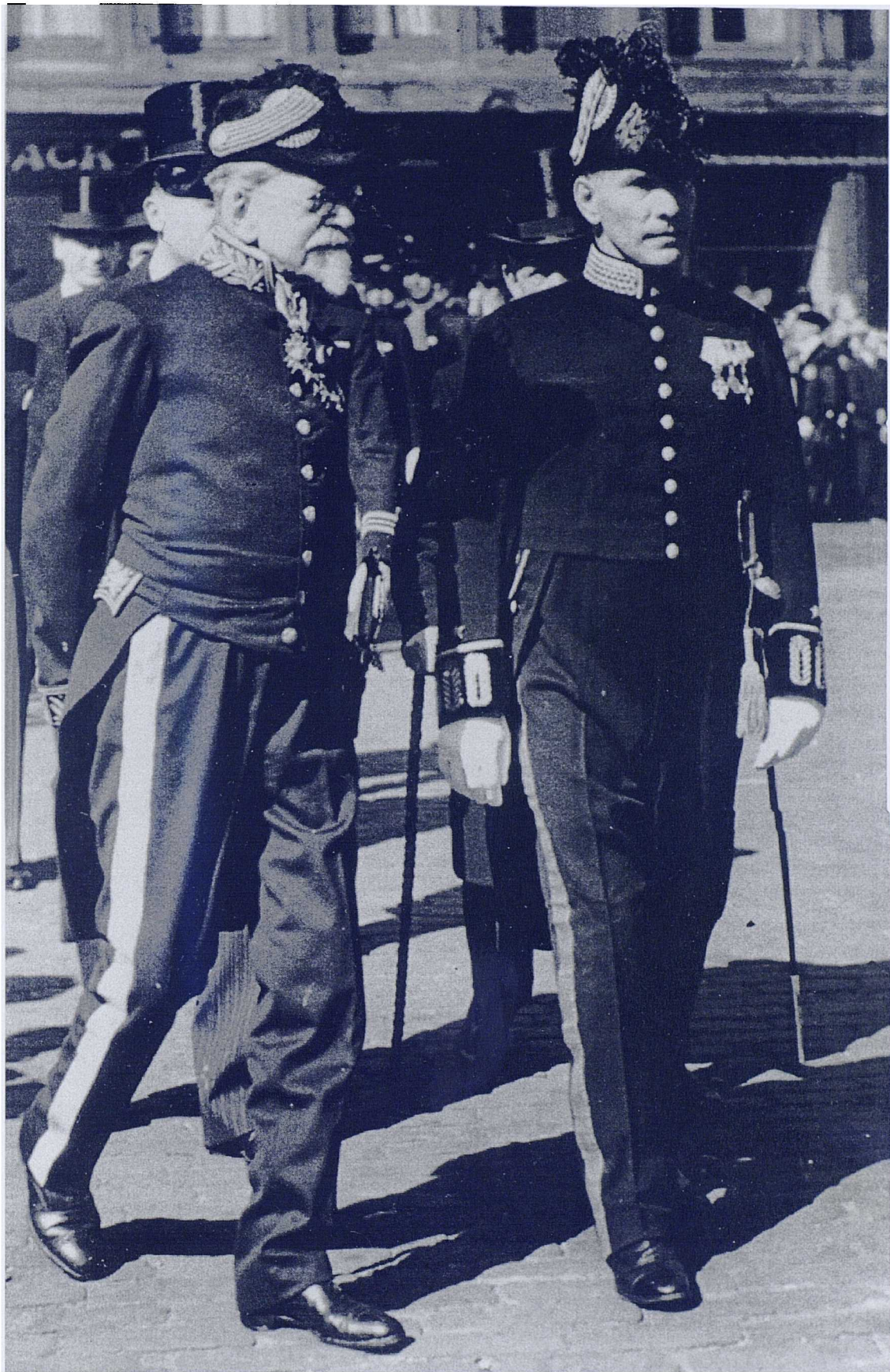


Figure 9. Consuls in uniform, processing to St Giles Cathedral, Edinburgh for opening of first Edinburgh International Festival of Music and Drama, August 1947. (Scottish Daily Record and Sunday Mail)



**Figure 10. John Carlbom, Honorary Swedish Consul, Grimsby and Immingham, 1922-c.1950, wearing consular uniform. (Anthony Carlbom, Carlbom Shipping Ltd., Immingham)**

even suffered himself to be persuaded to try it on before the looking glass, and to walk about in it. And as virtuosi when they have once begun never know when to stop, he now sent for other magnificent Court dresses, and changed his toilette several times, as if he had been on the stage...It was...rather droll to see how this otherwise serious tradesman-like man tried to assume the various bendings and bowings, and the light and gracious air of a courtier...'<sup>10</sup> Some consuls also wore the uniform at their marriage.<sup>11</sup>

There is no evidence of the existence of consular uniforms for women, probably because (a) there were never sufficient numbers of female consuls, and (b) it was not the custom for women to wear ceremonial uniforms. Presumably, those few female consuls who were in office at the time when uniforms were in vogue would have followed the dress code normally adopted by women on formal occasions. It is intriguing to speculate whether multi-country consuls had a uniform for each of the countries they represented. However, in view of the large numbers represented by some consuls this seems highly unlikely. Also, when these consuls attended a formal occasion such as a reception or dinner for the local consular corps, did they represent all of their countries or some of them?

It is impossible to say with certainty when consuls in Britain stopped wearing uniform, since for many it was an individual choice.<sup>12</sup> One consul recalls that 'lots of consuls in Liverpool used to wear uniforms at formal occasions, such as the annual consular ball, up to the 1960s. Nowadays, however, they wear evening dress.'<sup>13</sup> A leading firm of robe makers and tailors which formerly specialised in supplying uniforms for consuls and diplomats stated that it had not made them 'for very many years.'<sup>14</sup> I can find no evidence of any consul in this country wearing a uniform nowadays, but the current edition of Instructions for the Danish Foreign Service, Part J, p.13 states: 'On official occasions Honorary Consuls are entitled to wear uniforms.'<sup>15</sup>

Consuls are entitled to additional recognition of their office. For example, British consuls receive salutes when visiting British warships: in 1964, consuls general received a 13-gun salute and consuls a 7-gun salute.<sup>16</sup> All countries have similar regulations and traditions. When a Dutch naval vessel visits a foreign port the commanding officer must pay his respects to the local Dutch honorary consul, particularly if the consul is of equal or higher rank. If the consul is of an inferior rank,

the consul should be the first to pay his respects, whereupon the commanding officer should return his call.<sup>17</sup> Instructions for Dutch honorary consuls stress that '[I]t is important for consuls to be familiar with the ranks of the civil and military authorities for ceremonial occasions.'<sup>18</sup>

### *Foreign honours and awards*

All countries, whether democracies or dictatorships, bestow honours and awards on their citizens and on foreign nationals who have performed particular or noteworthy services to the country. Honorary consuls are regular recipients of such awards, and for those who receive no salary, fees or other contribution towards their consular expenses an honour or award is often the only tangible benefit they receive from the country they represent. For those who do receive a financial contribution, an award may be regarded as further recognition of their service. It should be emphasised, however, that honours and awards are not given automatically, nor are they given as a sort of consolation prize to those who do not receive financial compensation for their services; many consuls never receive awards. Occasionally, events can delay an award. In February 1938 a decree awarding Edwin Elliott, Austrian honorary consul in Birmingham, the Knight's Cross (First Class) of the Austrian Service Order was awaiting signature. However, the Anschluss took place the following month, and Austria as a nation state ceased to exist, as did Elliott's position as its consul in Birmingham, and nothing further was done about the award. The omission was brought to the attention of the new Austrian authorities in 1953 and, after enquiries, the medal was at last given to Mr Elliott.<sup>19</sup>

### *Consular corps and associations*

Consuls are a disparate group of people dispersed throughout the country and it would be easy for them to become isolated and to feel remote from the centre of their consular activities. This is less true, perhaps, for career consuls for whom the centre is their embassy in London. This is the case whether they are based in the embassy's consular section or are located elsewhere in the country. Contact with the embassy enables them to mix with colleagues who are members of the same Foreign Service, who have the same nationality, speak the same language, and have the same cultural and historical reference points. However, it is an entirely different matter for honorary consuls. They do, of course, have links with the embassy and the superintending consulate general of the country they represent, but as these will be located in another

part of Britain the contacts will be infrequent. Also, as is shown in Chapter 10, the majority of honorary consuls do not speak the language of the country they represent. This can be a disadvantage when dealing with embassy officials with whom they have little in common, whose knowledge of English may be limited, and who will be transferred to another country in three or four years. I have experienced this difficulty during my research when speaking to embassy officials. It makes sense, therefore, to create local consular versions of the diplomatic corps that are found in all capital cities. Although the early origins of consular corps is not explored in this study, they came about because consuls of different nationalities had similar professional interests. The corps were thus in a position to deal collectively with the relevant local authorities on questions affecting the consuls' interests.

In 1903, the Association of Foreign Consuls in London complained to the Foreign Office that the government did not recognise the consular body in the capital. It was alleged that in every European capital the consular body was officially recognised, and in every provincial centre in Great Britain the local corps or association was similarly recognised by the municipal and other public authorities. The Foreign Office sought the views of its diplomats in various European capital cities about local practice and was informed that none of the central governments gave official recognition to the consular body, although 'frequently a higher status attached to the body in the provinces.' The London Association was informed that the 'attitude of HM Government [towards the consuls in London] is in entire harmony with that of every other European State.'<sup>20</sup> A century later, the official central government position is broadly the same. There is no formal link between the FCO and the various consular corps and associations throughout the UK. It is, however, prepared to deal with the officers of the associations on matters affecting their members.<sup>21</sup> Elsewhere in the country all the local corps and associations continue to be recognised by the local and municipal authorities.

In the UK in 2003 there were fourteen local consular corps or associations, and three national associations for Danish, French, and Norwegian honorary consuls.<sup>22</sup> The local groups are located in Birmingham, Bradford and Leeds, Cardiff, Channel Islands, Edinburgh, Glasgow, Humberside, Jersey, Liverpool, London, Manchester, Newcastle upon Tyne, Plymouth, and Southampton. The national thematic associations are not located permanently in a particular town or city since they elect different office bearers

each year who act as the focal points of the associations during their period of office. All these corps and associations promote and encourage a sense of consular collegiality and serve as focal points to bring together all consuls in the area, both career and honorary. The oldest corps is the Liverpool Consular Corps, founded in 1792.<sup>23</sup> The oldest association is the Manchester Consular Association, founded on 24 April 1882.<sup>24</sup> It is followed closely by the Birmingham Consular Association, which was formed just over five months later, on 6 October that year.<sup>25</sup> The Consular Corps in Edinburgh and Leith, established on 24 November 1942, is the largest overall, both in terms of size and in the number of career consuls who are members.<sup>26</sup> In August 2003, its membership included consuls representing forty-eight countries (thirteen career, thirty-five honorary).<sup>27</sup>

In addition to the corps and associations mentioned above there are several which are national and international. The United Kingdom Association of Consular Organisations (UKACO) was founded in 1984 with the aim of uniting consuls in Britain and addressing matters which affect them as a whole.<sup>28</sup> It is affiliated to the *Fédération Internationale des Corps et Associations Consulaires* (FICAC), which was formed in Copenhagen in 1982.<sup>29</sup> The latter has obtained consultative status as a Non-Governmental Organisation (NGO) accredited to the UN Economic and Social Council.<sup>30</sup> The *Fédération des Unions des Consuls Honoraires en Europe* (FUCHE) was formed in 1995 at the European Parliament in Brussels. It is not known how successful these organisations have been in their activities or how well-known they are among consuls throughout the UK.<sup>31</sup>

### *Conclusion*

This chapter has shown how the once popular practice of wearing consular uniforms no longer exists, at least in Britain and probably elsewhere in the world. It can be argued that the practice has died out for several reasons: career consuls belong to a non-uniformed branch of their governments' public sector; honorary consuls are private citizens and do not need to wear a uniform to distinguish them from other members of their local community when undertaking consular responsibilities. There is no practical purpose to be gained by any consul wearing a uniform which, though rather splendid, harks back to a bygone age and gives the wearer a somewhat Ruritanian look. A noticeable result of the phasing-out of uniforms is that formal occasions at which they



might have been worn are now less colourful affairs. Honours and awards are universally recognised tokens of either long or meritorious service, and in the case of consuls are a useful and cost-effective means of compensating them for services which in most cases were likely to have caused them to be out of pocket. Local consular corps and national thematic groupings of consuls continue to thrive and provide excellent forums for consuls to socialise, discuss matters of common interest, and to network. Additionally, in the case of the few cities that also have career consuls, the local corps or associations enable career and honorary consuls to interact. It is often the case that career and honorary consuls alternate as Dean or Doyen of the corps or associations.<sup>32</sup> From the point of view of the average consul the international consular associations are perhaps less useful. In some respects, it seems a pity that the FCO does not make formal use of the local corps and associations. On the other hand, it is difficult to determine of what practical use this could be. It would be different, for example, if there were topics on which it would be useful to ascertain consuls' views but these would inevitably be influenced to a large extent by the attitudes and policies of the countries they represent. After all, consuls do not represent themselves.

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<sup>1</sup> On 8 August 1815, the US State Department issued a circular to its consuls prescribing the type of uniforms to be worn by American consuls. United States. *State Department Bulletin*, January 1981, p.S6.

<sup>2</sup> Thomas Jefferson, *Circular to American Consuls, New York, August 26<sup>th</sup> 1790*; Julian P Boyd, ed., *The Papers of Thomas Jefferson*, Volume 17, 6 July to 3 November 1790, Princeton NJ, Princeton University Press, 1965, pp.423-4.

<sup>3</sup> *Association for Diplomatic Studies Newsletter*, November 1988. At that time the Association's name did not include 'and Training'.

<sup>4</sup> United States. *State Department Bulletin*, January 1981, p.S6.

<sup>5</sup> *Association for Diplomatic Studies Newsletter*, November 1988.

<sup>6</sup> Description of uniform worn by John Campbell White when Second Secretary in the American Legation, Petrograd in 1915. Copy of letter dated 19 June 1989 from his widow, Elizabeth M White, forwarded to me by Ms Marilyn Bentley, Association for Diplomatic Studies and Training, Arlington VA, USA.

<sup>7</sup> *A Brief History of United States Diplomacy*, Arlington VA, Association for Diplomatic Study and Training, 1996, p.7. It is odd that the order should refer to 'the diplomatic or consular service', since by the time of the order there had been a unified Foreign Service for thirteen years.

<sup>8</sup> Baron A Heyking, *A Practical Guide for Russian Consular Officers and all Persons having Relations with Russia*, Second Edition, London, PS King & Sons Ltd., 1916, p.45. A vershok was an imperial Russian measurement and is equal to 4.445 centimetres or 1.75 inches.

<sup>9</sup> FOLDCYB 1868, p.214.

<sup>10</sup> Niall Ferguson, *The World's Banker: The History of the House of Rothschild*, London, Weidenfeld and Nicolson, 1998, p.217.

<sup>11</sup> Charles Carøe, Honorary Consul for Denmark in Liverpool from 1973 to 1979, recalls that the Danish consular uniform was passed down in his family and that his father, Sir Athelstan Carøe, wore it at his wedding. By the time it reached Charles 'it was way out of date...and anyway I was a good deal broader and couldn't get into it.' Letter dated 24 June 2000 to me from Charles F Carøe.

<sup>12</sup> Professor Charles Sarolea (the uniformed consul on the left in Figure 9), Belgian honorary consul general, one of the founder members of The Consular Corps in Edinburgh and Leith and the first consul general to be appointed in Scotland, wrote poetically and somewhat wistfully in 1950 about the burgeoning consular presence in Edinburgh: 'In my mind's eye, I can visualise a long procession of distinguished Foreign Representatives, in glittering uniforms and in Cocked Hats.' *Handbook of the Consular Corps in Edinburgh and Leith 1950-51*, p.11, The National Archives of Scotland, Reference HH 41/576.

<sup>13</sup> Telephone interview with Charles F Carøe, former Danish honorary consul, Liverpool, on 28 June 2000.

<sup>14</sup> Letter dated 18 May 2000 to me from Christopher Allan, Specialist Operations Co-ordinator, Ede and Ravenscroft Ltd., London.

<sup>15</sup> Enclosed with letter dated 29 February 2000 to me from Mr Mogens Svahn, Ministry of Foreign Affairs, Copenhagen.

<sup>16</sup> FOLDCYB 1964, p.86.

<sup>17</sup> *Handbook for Honorary [Dutch] Consuls*, p.181, forwarded to me on 23 March 2000 by Mr Hein van der Hoeven, Ministry of Foreign Affairs, The Hague.

<sup>18</sup> *Ibid.*, pp.158-9.

<sup>19</sup> Correspondence in April and May 2000 with Margery Elliott, Mr Elliott's daughter.

<sup>20</sup> United Kingdom. Foreign Office, *Correspondence respecting the Status of Foreign Consuls in London, and of British Consular Officers Abroad*, Confidential Print 8124, Nos. 9 and 15. Confidential Prints are a useful source of information. They first appeared in the early nineteenth century, and comprise important papers and correspondence on particular subjects printed for circulation to staff in the Foreign Office, the Cabinet, other government departments and for staff in legations and consulates abroad. Louise Atherton, *Never Complain, Never Explain: Records of the Foreign Office and State Paper Office 1500-c.1960*, London, PRO Publications, 1994, p.97.

<sup>21</sup> Letter dated 22 September 2003 to me from Robert Webb, Head of Diplomatic Missions & International Organisations Unit, Protocol Division, FCO.

<sup>22</sup> The Association of Honorary Norwegian Consuls in the United Kingdom was founded in 1973 by Harold Banks Fearnley, Norwegian honorary consul in Bradford. Letter dated 22 January 1998 to me from his widow, Mrs Jocelyn Fearnley, and telephone conversation with her on 24 January 1998. The most recent of the three national associations is the Association des Consuls Honoraires de France au Royaume Uni, founded in 2001.

<sup>23</sup> 'Their man in Liverpool', Liverpool Daily Post, 8 June 2004. Details confirmed to me by Dr Andrew Zsigmond, President of the Liverpool Consular Corps.

<sup>24</sup> The Association was originally constituted as the Union of the Consular Body in Manchester and was renamed as the Manchester Consular Association in 1889. Letter dated 3 September 2003 to me from David J Fox, Consul for Chile, Manchester, and Honorary Secretary of the Manchester Consular Association.

<sup>25</sup> 1964 edition of the Rules of the Birmingham Consular Association.

<sup>26</sup> *The Consular Corps in Edinburgh and Leith 1942-1992*, Golden Jubilee Handbook, Edinburgh, 1992.

<sup>27</sup> *The Consular Corps in Edinburgh and Leith, Official List August 2003*, sent to me by Ian H Corbett, Dean of the Corps and Honorary Consul General of the Philippines.

<sup>28</sup> Telephone interview on 29 September and correspondence in October and November 2000 with Major Ralph L S Raffles, President of UKACO, Didsbury, Manchester; *Diplomatic and Consular Year Book 1990*, London, Blakes (Diplomatic Division) Ltd., 1990, p.16.

<sup>29</sup> *Diplomatic and Consular Year Book 1990*, p.16.

<sup>30</sup> Letter (and enclosures) dated 27 November 2000 to me from Mr Vagn Jespersen, Honorary President, Fédération Internationale des Corps et Associations Consulaires (FICAC), Hellerup, Denmark. Also, correspondence with Peter Naschitz, President of FICAC, Tel Aviv, and other office bearers, between January and July 2001.

<sup>31</sup> With one exception, none of the consuls to whom I spoke was aware of UKACO, FICAC, and FUCHE.

<sup>32</sup> The Articles of Organisation of The Consular Corps in Edinburgh and Leith provide that a Dean is elected every two years at the Annual General Meeting. Career and honorary consuls alternate as Dean. Letter dated 31 October 2000 to me from Ian H Corbett, then Honorary Secretary of the Corps and Honorary Consul of the Philippines. In 2003, he was appointed Dean of the Corps and Honorary Consul General of the Philippines.

## CHAPTER 7

### CONSULS IN WARTIME

#### *Introduction*

This chapter explores the role and activities of consuls in wartime and other conflicts, concentrating mainly on the periods of the two World Wars. It also considers intelligence activities during periods of war and other conflicts. This is not to pretend that such activities are not undertaken in peacetime. All countries gather various levels of intelligence continuously, whether in wartime or peace, even relating to their friends and allies.<sup>1</sup> However, the subject of peacetime intelligence gathering is omitted from this chapter except for references to activities during the period between the two world wars.

#### *Intelligence gathering*

Intelligence can be loosely described as ‘information’ and takes many forms. It can be collected and disseminated overtly or covertly and relate to topics which are, for example, of political, economic, defence, or scientific interest. At a basic level it is news or information. The London Gazette formerly carried regular reports under the heading of ‘State Intelligence’; these included, for example, information about consuls’ appointments, both those representing foreign countries in the UK and British representatives abroad. ‘Court Intelligence’ also featured in several broadsheet newspapers, such as *The Times* which continues the practice but describes it as a ‘Court Circular’ and gives information about royal social engagements. The United States and the UK have been allies for centuries but in the years leading up to the American Declaration of Independence (1776) intelligence gathering was routinely carried out by each country against the other. Of course, Britain was not the only country targeted by the United States. The American Continental Congress (1774-89) was also interested in the affairs of other countries and sent secret agents throughout Europe.<sup>2</sup> When diplomatic relations between the new republic and Britain were established the first American consul in London, Joshua Johnson,<sup>3</sup> received the usual letter of appointment,

dated 7 August 1790, from Secretary of State Thomas Jefferson. However, Jefferson added:

I shall say more to you in a future letter [see following paragraph regarding Circular of 26 August 1790] on the extent of the Consular functions, which are in general to be confined to the superintendance [sic] and patronage of commerce, and navigation; but in your position we must desire somewhat more. Political intelligence from that country is interesting to us in a high degree. We must therefore ask you to furnish us with this as far as you shall be able;...[and] to serve sometimes as a center for our correspondencies [sic] [with] other parts of Europe, by receiving and forwarding letters sent to your care.’<sup>4</sup>

Less than three weeks later, Jefferson sent a circular to all American consuls which included the following request:

That you give to me from time to time Information of all military Preparations, and other Indications of War which may take place in your Ports; and when a War shall appear imminent, that you notify thereof the Merchants and Vessels of the United States within your District, that they may be duly on their guard: and in general that you communicate to me such political and commercial Intelligence, as you may think interesting to the United States.<sup>5</sup>

Johnson received his appointment letter in October 1790 and clearly understood that the intelligence requested by Jefferson was to be gathered covertly, and he replied:

I am very sensible of the importance of Political information is [sic] to you, and in this particular I dare not hope giving satisfaction: you who have been in Europe in a distinguished character, know how difficult it is to obtain information that can be depended on without laying yourself out entirely for it, and spending considerable sums of money, this would be inconsistent with my pursuits and not justifiable to my Family; I will notwithstanding be watchfull [sic] in the attainment of every thing within my reach and transmit it to you.<sup>6</sup>

His seeming reluctance was probably based on having insufficient financial resources to run an agent network. However, he had also by October received the Circular of 26 August and added 'I shall from inclination as well as duty inform you of the preparations for War &c. in these Ports, as well as to guard the [American] Merchants and others of any events that may affect Commerce and their Interest'. He ended by reporting that 'The opinions respecting War are various, tho' the preparations are immense and extravagantly expensive, I cannot pretend to form any decisive opinion on the Subject, but from the best information I have obtain'd, I draw this conclusion that the Minister will ward off Hostilities, and on the meeting of Parliament, state his conduct to them, and rest a War or a continuance of Peace on their decision, and by which means secure himself from the censure of the Nation.'<sup>7</sup>

Some seventy years later, American espionage activities in Britain increased significantly. At the end of 1861, shortly after the American Civil War had started earlier that year, several English and Scottish newspapers were reporting that 'a system of espionage of the most extensive and searching character has been for some time going on in England, and that every move of a warlike character has been immediately reported to the Government of the United States.' Also: 'the system had been in operation about four months, and that active agents had been stationed at all British seaports, to learn the destination and cargo of every vessel leaving port', with all reports being sent to London for forwarding to the US Government. The network was organised by Henry Shelton Sanford, 'President Lincoln's newly appointed minister to Belgium, who had also been placed in charge of the United States secret service in Europe.' In Britain, he worked through Freeman H Morse, the consul in London.<sup>8</sup> Activities in Liverpool were in the hands of Thomas H Dudley who was US consul there from 1861 to 1872.<sup>9</sup> Dudley's principal activities took place during the American Civil War (1861-65) and centred on seeking to prevent the building in British shipyards of warships that would be destined for the Confederate Navy. He ran a considerable network of agents and informants, extending from Liverpool to Scotland; operations in the southern part of the country were run by Morse in London. Despite American protests both in the courts and in submissions to British ministers, two cruisers under construction in Laird's Birkenhead shipyard managed to slip through the net and sail from Liverpool to take up service with the Confederate Navy. They were eventually named Florida and Alabama. Although the incident generated a great deal of ill-feeling on the part of the Americans

the construction of the ships was carried out legally, because under the neutrality laws set out in the Foreign Enlistment Act of 1819 it was not an offence to build such ships in British shipyards as long as they were not equipped, furnished, fitted out, or armed in Britain. They could sail and be fitted out elsewhere, which was what happened with these ships. The British government became involved in lengthy legal actions over the ships on two counts because: (a) legal action was initiated by the American (Union) authorities, and (b) the government could see that while the letter of the Act was being observed its spirit was not. The intention of the Act was to prevent warships being built for use against a country with which Britain was at peace. However two further ships being built by Laird in Birkenhead, both steam ram vessels, were prevented from passing to the Confederate Navy despite an elaborate ruse which had transferred their ownership to a French company. The French consul in Liverpool confirmed the ownership although it is not known whether he himself was duped; the company eventually admitted that the true ownership lay elsewhere and agreed to sell both ships to the Admiralty. After retaining a not inconsiderable amount, presumably to recompense its expenses, the company refunded most of the proceeds to the Confederate authorities.<sup>10</sup>

### *The First and Second World Wars*

Although diplomatic relations between states are severed during wartime, two possibilities might ensue from this. Firstly, consular relations may continue via consular missions or, secondly, the interests of a sending state (which has severed diplomatic relations with a receiving state) may be protected by the diplomatic mission of a third state (a 'protecting power') which is in diplomatic relations with both the sending and receiving states.<sup>11</sup> The position of consulates in the Channel Islands during the Second World War is unusual. It is not clear which country, if any, protected the interests of the countries represented by these consulates during the German occupation of the islands from 1940 to 1945. With one exception, Sweden, these countries were themselves occupied by German forces. Their occupation was probably not accorded *de jure* recognition by Britain, which may explain the reason why the 1942 FOLDCYB continued to show all the consulates in the Channel Islands continuing to operate as normally.<sup>12</sup> Traditionally, Switzerland and Sweden undertake caretaking duties on behalf of States that are in conflict with each other. Depending on the seriousness of the breach between the States, a member of their diplomatic staff may be employed in an

'interests section' of the caretaking embassy. During the Second World War, Switzerland protected the interests of thirty-four States throughout the world.<sup>13</sup> In Britain, it protected German interests, Brazil protected Italian interests, and Sweden protected Finnish, Hungarian, and Romanian interests.<sup>14</sup>

Even at the turn of the twentieth century, British counter espionage was conducted in a fairly fragmented and minimal manner and with an emphasis on military intelligence. There were no overall specialist departments to counter espionage being conducted within Britain or its colonies, and matters were usually left to the police authorities. The police Special Branch was originally set up within the Metropolitan Police to deal with Irish terrorism. In 1909 the Secret Service Bureau was established with various sections, one of which developed into MI5 and another into MI6. They in turn developed into the present-day Security Service and Secret Intelligence Service respectively; the former is concerned with counter-espionage within Britain, while the latter is responsible for gathering intelligence abroad.<sup>15</sup> From 1909 until 1918 MI5 focussed almost entirely on activities of the German Secret Service which, it was learned, collected intelligence from diplomats and consuls during peacetime—intelligence that would be useful during war. By the time war was declared in 1914 MI5 had produced a list of spies, suspects and German and Austrian citizens who were to be kept under surveillance. On the outbreak of war, the spies were arrested and many of the German and Austrian citizens were interned; the peak figure for internees was 32,000 in October 1915.<sup>16</sup>

A state of war existed between Britain and Germany with effect from 11 pm on 4 August 1914. The time of the announcement is significant because only a few hours later, on the morning of the following day, the German consul in Sunderland, Nicholas Emil Herman Adolf Ahlers, assisted several German men of military age to return to Germany, paying their expenses out of his own pocket. The day after, he was arrested and charged with high treason. Ahlers was a German subject by birth but had lived in Britain for thirty years and had become a naturalised British citizen in 1905, the same year in which he had been appointed consul. At his trial at Durham Assizes in December 1914 he pleaded not guilty, maintaining his belief that on the outbreak of a war enemy citizens were given a short period in which to leave the country. He had taken down the German eagle from outside his premises 'before lunch' on 5 August,



indicating that the consulate was then closed. After a trial lasting two days he was found guilty of high treason and sentenced to death. His appeal was heard at the Court of Criminal Appeal just over a week later. In summing up the Court decided that a material point of Ahler's defence had not been put to the jury to decide. It ought to have been told to consider whether his actions were carried out with the intention of assisting 'the King's enemies' or whether he acted 'without any evil intention and in the belief that it was his duty to assist German subjects to return to Germany, in which case he would be not guilty.' As the Assize Court judge had not directed the jury on these points the conviction was quashed.<sup>17</sup>

Table 7 gives an indication of the level of consular representation in the run up

**Table 7**  
**World War 1: Consulates, consular officers, and countries represented**

	<i>Consulates</i>	<i>Consular officers</i>	<i>Countries represented</i>
<b>1912</b>	1096	1206	46
<b>1914</b>	1069	1189	46
<b>1915</b>	948	1062	42
<b>1922</b>	964	1101	47

Source: compiled from Foreign Office Lists & Diplomatic & Consular Year Books.  
Includes Ireland, up to 1922

to and the aftermath of the First World War. The number of consular officers is greater than the number of posts because there was more than one officer in many of the posts. At the beginning of 1914 Germany and Austria-Hungary had a hundred consulates in the UK, but these and a few others closed after war was declared later that year. By 1915, the overall number of consulates fell by a hundred and twenty-one, and even four years after the end of the war the numbers had increased by only sixteen. Germany reopened two consulates in 1921 in Glasgow and Liverpool.

In the years from 1918 to 1931 MI5 investigated the threat posed by German consuls in Britain who were probably being employed on intelligence duties. Assessing whether consuls were carrying out legitimate work or espionage was recognised as a problem, and consular privileges made it particularly difficult to conduct counter espionage enquiries into the consuls' activities.<sup>18</sup> Although forbidden by the Treaty of

Versailles to have an intelligence service, as distinct from a counter espionage service, Germany had resumed espionage activities in the UK from the mid-1930s.<sup>19</sup> At that time, the activities of the London office of the Nazi Party's Ausland Organisation came to the attention of MI5. When the German Government sought to appoint Otto Bene, the London office's Head or Landesgruppenleiter, as Consul General in London the appointment was seen as undesirable by both MI5 and the Foreign Office and Bene was refused an exequatur.<sup>20</sup> Germany's intention to appoint him had been brought to the attention of MI5 by an informant in the German Embassy, and in early 1938 the same person warned that 'the German consuls in this country had been asked to furnish reports and to supply the names of agents suitable for obtaining military secrets.'<sup>21</sup>

During the rise of the National Socialist Party in Germany in the 1930s at least one honorary consul in Britain was asked to undertake a function that was political rather than consular. In June 1934, H A J Ryeland, German vice consul in Dover, was instructed by the embassy that 'in order to avoid "undesirable consequences which have occasionally arisen through protests against the policy of the Reich Government or events in Germany by members of Communist, Jewish, or other Anti-German Organisations in this country", delegations seeking personal interviews with the Vice-Consul on such matters should not be seen; and written protests should remain unanswered and be forwarded to the Embassy.'<sup>22</sup> No doubt this request was sent to all German consuls in the UK, not only to Ryeland. It is not known whether any acted on it.

By 1941, MI5 had established that the diplomatic privileges of the Spanish Embassy in London were being abused in the interests of the Abwehr (German Intelligence Service). The vice consul, an individual named Lojendio—who had been recalled to Madrid that summer, had been sending espionage reports in secret writing since spring 1940. MI5 had discovered this as a result of contacts made within the Embassy, and within other suspect embassies (for example, those of Hungary and Japan). The following year, 1942, MI5 became aware as a result of signal intelligence that a member of the Portuguese Legation in London, Rogerio Magalhaes de Menezes, had been recruited in Lisbon to work on behalf of the German and Italian intelligence services. Portugal, it should be remembered, remained a neutral country throughout the War. As a result of MI5 surveillance de Menezes's diplomatic immunity was withdrawn

in 1943, he was arrested, and confessed to sending reports to the German and Italian intelligence services. He was tried, found guilty, and sentenced to death. However, the sentence was commuted to life imprisonment after the Portuguese Government agreed to a Foreign Office suggestion that more should be done to eliminate German and Italian espionage activities being carried out against the Allies in Portugal. The Government thereupon arrested a number of enemy agents whose names had been given to it by MI6.<sup>23</sup>

**Table 8**  
**World War 2: Consulates, consular officers, and countries represented**

	<i>Consulates</i>	<i>Consular officers</i>	<i>Countries represented</i>
<b>1939</b>	861	994	55
<b>1941</b>	736	855	50
<b>1942</b>	603	725	45
<b>1947</b>	601	781	43

Source: compiled from Foreign Office Lists & Diplomatic & Consular Year Books

Table 8 gives an indication of the level of consular representation in the run up to and the immediate aftermath of the Second World War. In 1939, Germany, Italy, and Japan had sixty-six consulates. War was declared on Germany in September 1939 and on Italy in June 1940, so neither had consulates in 1941. However, as war with Japan was not declared until December 1941 there were eight Japanese consulates in Britain throughout most of that year. By 1942, the overall number of consulates had fallen by more than two hundred and fifty since 1939 as the consulates of countries invaded by Germany closed down. Even two years after the war this number had further reduced slightly. The decrease in the number of countries with consulates was greater during the Second World War because of the extent of the German occupation of most of Europe.

The number of Japanese living in Britain was never high and in October 1939 there were only 966, excluding diplomats, British-born wives, and children under sixteen years of age, and it is estimated that three hundred of the men had left Britain by the time Japan and Britain were at war in 1941.<sup>24</sup> One hundred and fourteen Japanese citizens were eventually interned on the Isle of Man, but only a few of these were of interest to MI5. As an indication of the perceived low level of threat posed by the Japanese it is noteworthy that by September 1943 only twelve internees remained, the

others having been voluntarily repatriated, released when conditions permitted, or classified as prisoners of war and transferred to Knapdale POW camp in Scotland.<sup>25</sup>

Although there was evidence in the late 1930s that Italian consulates and Fascist organisations were collecting intelligence about troop movements from Britain, MI5's enquiries up to the outbreak of the war did not unearth any serious information regarding Italian espionage in Britain. However, MI5 was concerned about the activities of the Italian National Fascist Party since it believed that Party members constituted a Fifth Column. Fears were increased when enquiries revealed that the Party's branches were under strict centralised control from Rome exercised through Italian consular officials. A list of Party members in Britain was drawn up and on the outbreak of war with Italy in June 1940 these individuals, some 1200 Italian and dual-nationality British persons, were interned; so too were 4,400 Italians who fell within other categories.<sup>26</sup> MI5 also carried out investigations into the activities of diplomatic and consular officials of South American embassies and legations since many were sympathetic to Fascism or Nazism. The main discovery to emerge, however, was that officials in the Chilean and Argentinean embassies were involved in smuggling and 'black bourse' transactions.<sup>27</sup>

During the Second World War Scotland was used extensively as a base for exiled forces from countries such as France, Norway<sup>28</sup>, and Poland<sup>29</sup>. This had implications for the existing consular representatives of these countries. The Vichy government in France was a collaborationist regime which recognised the German occupation forces. Britain's main ally, the United States, recognised Vichy but the regime was not recognised by Britain which chose to recognise and support the Free French Government-in-Exile based in London and headed by General de Gaulle.<sup>30</sup> There were problems with, among others, the French consul in Glasgow, Count Camille Henri Alfred Parent de Curzon who had been appointed to the post in 1937. Early in 1941 he was informed by the Foreign Office that the consulate was to be removed from Glasgow to a protected area. He must have done some lobbying about this decision because the Lord Provost of Glasgow wrote to the Foreign Secretary stating:

The Civic Authorities are of the opinion that the Consulate should remain here if this is in keeping with Foreign Office policy and Vichy

politics. Count de Curzon has been of great help to us in many directions and has stated publicly that he, as an individual, is wholeheartedly on the side of Great Britain and the Allied Cause. He is a staunch Democrat and in my opinion it would be a mistake if the Foreign Office insisted on his removal to a village where his influence would lose its importance.<sup>31</sup>

The Foreign Office reply was sent by the Parliamentary Under Secretary of State and was written after consultation with the security authorities. It was unusually frank, and is worth quoting in full since it describes British policy on French consuls throughout Britain and the Vichy regime's attitude towards the appointment of British consuls in unoccupied France and in French territories.

Ever since the French collapse, we have been keeping an eye on the French Consuls at the chief British ports to make sure that they did not use their position in order to engage in anti-Allied activities, or pass on to Vichy information of potential value to the enemy or attempt to dissuade potential Free French volunteers from joining General de Gaulle. As a measure of security and on account of their undesirable activities, exequaturs have already been withdrawn from several French Consuls in Great Britain and we are now insisting on the removal of the Consulate-General at Liverpool to a locality outside the aliens' protected area there.

M. de Curzon is an official of a Government which has expelled most of our Consuls from the French Empire and which has refused to allow a British Consul to function at any port in unoccupied France. The Vichy Government has adopted a policy of collaboration with Germany, and it is only natural that this should involve certain inconveniences for Vichy representatives in this country and that the latter should not expect to receive the same treatment as the representatives of our allies who are still fighting with us. It is moreover possible that M. de Curzon, at a post of such importance as Glasgow, might obtain and communicate to Vichy information of a kind which would be of considerable value to the Germans if it were passed on to them. This is a risk which, in our view, it is not justifiable to take. We have received reports from reliable quarters that M. de Curzon has on occasion acted in a way calculated to dissuade French seamen from joining General de Gaulle whom it is the policy of His Majesty's Government to support in every possible way and who is rendering valuable support to our cause. M. de Curzon has also reported shipping movements and it is highly undesirable that he should be in a position to exercise any influence over French seamen arriving in the Clyde.

It is thus neither in accordance with the policy of His Majesty's Government nor in the interests of the prosecution of the war that M. de Curzon should be allowed to continue to carry on his Consular activities unfettered at Glasgow, and I trust that in the light of this explanation you will find it possible to agree that the French Consulate should be moved. I should add that M. de Curzon called recently at this Department and seemed quite reconciled to the move.<sup>32</sup>

Although de Curzon had indicated that he expected to move to Edinburgh,<sup>33</sup> the Foreign Office decision was not contested and by the end of the year (1941), with one exception, all French consulates and consular agencies (i.e. career and honorary posts) throughout the UK were closed. The exception was London where the consul general, Etienne Jalenques, broke with Vichy when Germany occupied the whole of France and was informed by the Foreign Office that he could no longer be recognised as consul general. He agreed to act as unofficial intermediary on behalf of those French citizens who had not rallied to de Gaulle and was also allowed to retain custody of the French embassy and consulates.<sup>34</sup>

In Edinburgh, an elegant Georgian house in Regent Terrace became the Scottish Free French house and was opened by General de Gaulle in 1942.<sup>35</sup> For many years afterwards it became the residence of the French Consul General.<sup>36</sup> The home of the Norwegian (and French) honorary consul, Theodore Salvesen (see Chapter 5), in Inverleith Place, Edinburgh was given to the Free Norway Forces and became known as Norway House.<sup>37</sup> The Polish assistant consul in Glasgow, Roman Battaglia, attained a brief moment of glory as a result of being the first person to interrogate Rudolf Hess, Hitler's Deputy Führer, after Hess's aircraft crash-landed in Scotland on 10 May 1941.<sup>38</sup> The local Home Guard enlisted Battaglia's aid as an interpreter despite Hess's knowledge of English. Although Battaglia had an Italian-sounding surname he was a member of the Polish consular service and had been based in Danzig before coming to Glasgow. MI6 was 'incensed' that the initial interrogation had been carried out by members of the Home Guard and Battaglia, and complained about it to MI5.<sup>39</sup>

During the First World War the Cuban consul general in Liverpool, Julian Ayala y Cruz Prieto, had a fortunate escape when returning on duty to Liverpool from New York. He was one of the few survivors from the Cunard liner SS Lusitania which was torpedoed by a German submarine in May 1915 and sank with the loss of hundreds of

lives. He served in Liverpool from 1909 until 1927, which was a relatively long period for a career officer.<sup>40</sup> Inevitably, some consulates were affected by German air raids during the Second World War. The Danish consulate in Liverpool was badly damaged along with its archives;<sup>41</sup> so too were the offices of George Hammond and Company in Dover, which housed several consulates.<sup>42</sup> The American consulate in Sheffield was slightly damaged in December 1940 and the decision was made to vacate it.<sup>43</sup> The building occupied by the American consulate in Manchester was damaged in several air raids. Throughout the War, American consuls in Britain reported regularly on the effects of German air raids in their areas and on the mood of the local people. Their reports were at times rather moving. One account by the American consul general in Birmingham, made two days after Christmas 1940, is typical. He states that the purpose of his report (which runs to four pages) is 'to put down something which will perhaps convey in a general way the effect that air raids are producing among working people in the Birmingham area, and I here hasten to add that all of the people I have picked up [in his car] have been working people. ...In not one instance have I noted any spirit of disloyalty or defection among these people but to say that their mental health is not being undermined by bombing is to talk nonsense.' He describes how in many cases their homes have been totally destroyed and gives accounts of their daily routines. 'It is true enough that working-class people in this area make a brave showing before the camera or to the eye of the official visitor. However, when the camera shutter has closed and the official eye has turned away, the picturesque scene vanishes and the smiling faces of those who figured in it assume a grimness born almost of despair.' He concludes by saying that many of the people hope that the United States will soon enter the War.<sup>44</sup> Even after the War, consuls in Britain remained affected by measures introduced in wartime. The American consul in Liverpool from 1950 to 1952 recalled many years later that food, clothing, and coal were still rationed when he and his wife arrived in the city. They had ration books and lived on British rations because his appointment was consular, not diplomatic.<sup>45</sup>

Elsewhere in this study we have seen the gradual decline in numbers of consulates from the beginning of the twentieth century right through to the present. Periods of wartime create their own impact upon international relations and consequently upon numbers of consulates since inevitably consulates of the warring parties cease to function. Pre-war levels of consulate numbers are never regained after

hostilities cease. For example, in 1914 Germany and Austria had a combined total of a hundred consulates in the UK, but by 1921 Germany had only two. Similarly, in 1939 Germany, Italy, and Japan had a combined total of sixty-six consulates, but by 1952 they had only nine.<sup>46</sup> A further reason for post-war reductions may be that after such cataclysmic political events and upheavals there is a concentration of minds. New ideas flourish, and there is a reluctance to simply return to the previous order. Nevertheless, despite the overall decline in numbers of consulates it can be seen from Table 9 that an extensive network remained in place throughout the different regions of the UK in the years before, during, and after both world wars.

**Table 9**  
**World Wars 1 & 2: Regional network of consulates**

	<i>London</i>	<i>England</i>	<i>Scotland</i>	<i>Wales</i>	<i>Northern Ireland</i>	<i>Channel Islands</i>	<i>Isle of Man</i>	<i>Ireland</i>	<i>Total UK/GB</i>
<b>1912</b>	44	624	200	101	37	18	1	71	1096
<b>1914</b>	44	610	195	98	35	16	1	70	1069
<b>1915</b>	41	544	168	88	31	14	1	61	948
<b>1922</b>	44	550	169	91	32	14	1	63	964
<b>1939</b>	50	500	179	85	34	12	1	—	861
<b>1941</b>	42	430	156	69	27	11	1	—	736
<b>1942</b>	37	348	131	56	23	7	1	—	603
<b>1947</b>	37	347	132	54	23	7	1	—	601

Source: compiled from Foreign Office Lists & Diplomatic & Consular Year Books.

Includes Ireland, up to 1922

### *Recent events*

Fortunately, attacks on consuls in Britain are rare events. However, there have been two in recent years affecting German consuls, occurring during the conflicts in Northern Ireland, and perpetrated by the Irish Republican Army (IRA). In 1973 the IRA abducted and murdered Thomas Niedermayer, German honorary consul and managing director of Grundig Werke, a German company based in Dunmurry. His body was not discovered until almost ten years later. Jurgen Gradel, his successor as consul but employed by another company, managed to escape when the IRA broke down the front door of his house. He later moved to England, a move thought to have been dictated more by his work activities than by his consular activities.<sup>47</sup> In both incidents, the intention was probably to have abducted the men for ransom.



### *Conclusion*

Obviously it has not proved possible to discover if there has been MI5 interest in consuls in more recent times as contemporary official sources are not open to the public. However, it is my impression that, overall, consuls serving in this country, and particularly honorary consuls, have never been greatly involved in espionage. If contemporary cases ever occurred it seems unlikely that they were of sufficient importance to be brought to the notice of the Director General of MI5.<sup>48</sup> If it did take place, intelligence gathering would more likely be carried out by career consuls rather than honorary consuls. Prior to the outbreak of both world wars there were however several honorary consuls who had German- or Italian-sounding surnames and it is likely that they would have been of interest to MI5. However, nothing has been discovered in this study which suggests that honorary consuls were ever involved in espionage or intelligence activities on behalf of the countries they represented.

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<sup>1</sup> 'Officers in SIS [Secret Intelligence Service, also known as MI6] or GCHQ [Government Communications Headquarters] agree that operations against the French or other European Union partners are a common occurrence. Peter Wright's book "Spycatcher" explained how the French Embassy in London was bugged during 1960-3....It is clear from talking to SIS and GCHQ staff that similar operations have continued to this day. It was perhaps to these operations that the former Foreign Office Minister of State David Mellor, generally a sceptic on the value of espionage, was referring when he told me "The one thing I did find really interesting was the diplomatic intelligence on some of our allies, which revealed in some cases a quite staggering dishonesty".' Mark Urban, *United Kingdom Eyes Alpha: the Inside Story of British Intelligence*, London, Faber & Faber, 1996, p.243. It was reported in 1996 that SIS/MI6 had successfully stolen top secret French submarine tracking secrets. Andrew Roberts, *Why our spies need no French leave*, *The Sunday Times*, 23 June 1996, p.5. It also emerged in 2003 that MI5 had infiltrated the London embassy of a country described by the Foreign Office as 'a friendly power and a close ally.' For four months, in 2001, MI5 'had infiltrated the embassy, stolen codes used by embassy staff for sending secret messages, and planned to plant listening devices and remove documents.' *The Sunday Times*, 2 November 2003, pp.1, 4-5. It was subsequently revealed that the embassy in question was the Pakistan High Commission. *The Sunday Times*, 9 November 2003, p.13.

<sup>2</sup> Keith Hamilton and Richard Langhorne, *The Practice of Diplomacy: Its Evolution, Theory and Administration*, London, Routledge, 1995, p.114.

<sup>3</sup> Johnson had previously been the Continental Congress's commissioner of accounts in France and prior to that based in London as partner of an Annapolis firm of merchants. In 1775 he was said to be the seventh largest tobacco importer in London. Samuel Flagg Bemis, *John Quincy Adams and the Foundations of American Foreign Policy*, New York, Alfred A Knopf, 1969, p.79; Jacob M Price, ed., *Joshua Johnson's Letterbook, 1771-1774: Letters from a merchant in London to his partners in Maryland*, London, London Record Society, 1979, p.xxv.

<sup>4</sup> Letter dated New York, 7 August 1790 from Jefferson to Johnson, Julian P Boyd, ed., *The Papers of Thomas Jefferson*, Vol. 17, Princeton NJ, Princeton University Press, 1965, p.119.

<sup>5</sup> *Circular to American Consuls, New York, August 26<sup>th</sup> 1790*, Boyd, *Jefferson Papers*, Vol. 17, p.423.

<sup>6</sup> Letter dated London, 2 November 1790 from Johnson to Jefferson, *ibid.*, p.667.

<sup>7</sup> Ibid., pp. 669-670.

<sup>8</sup> Harriet Chapell Owsley, 'Henry Shelton Sanford and Federal Surveillance Abroad 1861-1865,' *The Mississippi Valley Historical Review*, Vol. XLVIII, No. 2, September 1961, pp.211-213. Unhappy at being replaced in 1870 because of what he regarded as 'narrowly partisan politics' Morse refused to return to America and became a British citizen. He died in 1891 aged 83 and is buried in the churchyard of St Mary's, Long Ditton, Surrey. Dumas Malone, ed., *Dictionary of American Biography*, Vol. XIII, London, Oxford University Press, 1934, p.243.

<sup>9</sup> Dudley had been offered the choice of appointment as minister to Japan or consul at Liverpool. He chose the lesser appointment at Liverpool largely because he was worried about his health and was anxious always to be near good medical advice. Brian Jenkins, *Britain and the War of the Union*, Vol. Two, Montreal, McGill-Queen's University Press, 1980, p.120.

<sup>10</sup> Samuel Flagg Bemis, *A Diplomatic History of the United States*, Third Edition, New York, Henry Holt & Co., 1950, pp.377-380; Jenkins, pp.33-4, 120-6, 246-253, 274-327; R B Mowat, *The Diplomatic Relations of Great Britain and the United States*, London, Edward Arnold & Co., 1925, pp.187-193.

<sup>11</sup> 'Instances of the maintenance of consular relations after a breach of diplomatic relations certainly occurred in the century prior to specific provision being made for it in the Vienna Convention on Consular Relations. But the extent of the practice was perhaps not great, for breaches of diplomatic relations were often regarded as ipso facto involving a breach of consular relations. The contrary position only became clearly established with the Vienna Convention.' Alan James, 'Diplomatic Relations and Contacts', *The British Year Book of International Law 1991*, v.62, Oxford, Clarendon Press, 1992, p.383.

<sup>12</sup> The countries were Belgium, Denmark, Latvia, Netherlands, Norway, and Sweden. FOLDCYB 1942.

<sup>13</sup> United Nations, *Yearbook of the International Law Commission, 1960*, Vol. I, New York, 1960, p.143, para.26.

<sup>14</sup> FOLDCYB 1942, pp.538, 542, 559.

<sup>15</sup> *M15: The First Ten Years, 1909-1919*, Kew, Public Record Office, 1997, p.1-4.

<sup>16</sup> *The Security Service 1908-1945: The Official History*, Kew, Public Record Office, 1999, pp.47-75.

<sup>17</sup> *The Durham Chronicle*, 11 December 1914, p.11, cols. 3 & 4; Court of Criminal Appeal, King's Bench Division, R v. Ahlers [1915] 1KB 616-626. A further complicating factor brought up at the trial was that the Home Secretary had issued a notice under the Aliens Restriction Order 1914 which allowed enemy aliens to embark from Britain without a permit, at an approved port, up to 11 August, i.e. six days after Ahler's offence.

<sup>18</sup> *The Security Service 1908-1945*, p.81.

<sup>19</sup> F H Hinsley and C A G Simkins, *British Intelligence in the Second World War, Volume 4 Security and Counter-Intelligence*, London, HMSO, 1990, p.11.

<sup>20</sup> *The Security Service 1908-1945*, pp.110-118.

<sup>21</sup> Ibid., p.119.

<sup>22</sup> Nigel Watson, *Time and Tide Wait for No Man: George Hammond PLC 1767-1992*, Cambridge, Granta Editions, 1992, p.82.

<sup>23</sup> Hinsley and Simkins, pp. 107, 109-111.

<sup>24</sup> Keiko Itoh, *The Japanese Community in Pre-War Britain: From Integration to Disintegration*, London, Curzon, 2001, p.183.

<sup>25</sup> Ibid., p.187.

<sup>26</sup> *The Security Service 1908-1945*, pp.138-165. There was considerable disagreement between MI5 on the one hand and the Foreign Office and Home Office on the other about the threat posed both by members of the Fascist Party and other Italians and dual British-Italians living in Britain. The Home Office began to release many of the internees without consulting MI5. Among these were individuals about whom MI5 would have raised objections if consulted. Ibid., p.166.

<sup>27</sup> Ibid., p.276.

<sup>28</sup> The Norwegian Government-in-Exile established a training camp in Dumfries, and the town became home to as many as a thousand Norwegians, both military and civilian. On 9 November 2003, the Norwegian Ministry of Defence unveiled a new plaque at St Michael's Church in the town, commemorating the event—the original plaque had been presented several decades earlier. Press Notice, Norwegian Consulate General, Edinburgh. Available from: [http://www.norway.org.uk/edinburgh/events/edinburgh\\_dumfries.htm](http://www.norway.org.uk/edinburgh/events/edinburgh_dumfries.htm) [accessed 9 December 2003]. During the war the Norwegian consul in Glasgow, Leonhard Offerdahl, was also consul in Dumfries. The Dumfries consulate was a wartime establishment only. *Database2*.

<sup>29</sup> One indication of the extent of the Polish wartime presence in Scotland is that there were sufficient numbers of existing and potential Polish medical students there to justify establishing the Polish Medical School in Edinburgh University in 1941. Alastair E H Salvesen, *Slekten Salvesen 1550-1995*, East Linton, Scottish Families Researched, 1995, p.256.

<sup>30</sup> Diplomatic relations between the United States and the French government at Vichy were severed by the latter in November 1942. President Roosevelt stated: 'We have not broken relations with the French. We never will.' White House news release, Washington DC, 9 November 1942. Available from: <http://www.ibiblio.org/pha/policy/1942/421109c.html> [accessed 26 September 2003]

<sup>31</sup> Secret letter dated 13 February 1941 from Patrick Dollan, Lord Provost of Glasgow to Anthony Eden, Secretary of State for Foreign Affairs. National Archives of Scotland, reference HH1/2771.

<sup>32</sup> Confidential letter dated 27 February 1941 from R A Butler (later Lord Butler), Parliamentary Under Secretary of State, Foreign Office to Patrick Dollan, Lord Provost of Glasgow. National Archives of Scotland, reference HH1/2771.

<sup>33</sup> Letter dated 4 March 1941 from de Curzon to Theodore E Salvesen, French Consular Agent in Leith. However, Salvesen wrote to the Foreign Office saying that as Edinburgh and district were protected areas it was unlikely that permission would be given for the French Consulate to be moved there from Glasgow. He added: 'Between ourselves, I would much prefer that some other place were chosen.' Undated letter but between 5 and 8 March 1941 from Theodore E Salvesen to the Foreign Office. Both letters are in the National Archives of Scotland, reference HH1/2771. Further information about Salvesen is given in Chapter 5.

<sup>34</sup> Secret cablegram dated 14 January 1943 from Clement Attlee, Secretary of State for Dominion Affairs, to the [Australian] Commonwealth Government, available from <http://www.info.dfat.gov.au/info/historical/HistDocs.nsf/vVolume/9DABB82372AC46E> [accessed 27 September 2003]; FOLDCYB 1942, p.537.

<sup>35</sup> *The Consular Corps in Edinburgh and Leith 1942-1992, Golden Jubilee Handbook*, Edinburgh, 1992, p.32.

<sup>36</sup> The residence of the French consul general is now situated in Randolph Crescent, in Edinburgh's New Town.

<sup>37</sup> Ibid., p.43. 'The Shetland Bus', a further wartime link with Norway, was based in Shetland; it was a small boat operation operating to and from Norway to assist the Norwegian resistance movement.

<sup>38</sup> Hess had flown to Scotland to contact the Duke of Hamilton with a view to persuading the British government to conclude peace with Germany. His mission was said to have been undertaken without Hitler's knowledge. The Duke was on MI5's suspect list. Letter dated 12 May 1941 from Major P C Perfect, Scottish Regional Security Officer, Edinburgh to A S MacIver, MI5, Oxford. available from: [http://www.rudolf\\_hess.org/english/archiv/rh\\_1offz\\_e.php3?fs=8](http://www.rudolf_hess.org/english/archiv/rh_1offz_e.php3?fs=8) [accessed 14 September 2003]

<sup>39</sup> John Harris and M J Trow, *Hess: The British Conspiracy*, London, André Deutsch, 2000, pp.11, 22; James McKillop, *Don't panic: it's Rudolf Hess*, The [Glasgow] Herald, 27 January 1999; *MI6 incensed at Dad's Army quizzing Hess*, John Crossland and Michael Smith, *The Daily Telegraph*, 27 January 1999.

<sup>40</sup> *Database2*; passenger and crew list of SS Lusitania. available from <http://homepages.rootsweb.com/~lusilist/LusitaniaPassengerList.html> [accessed 14 September 2003]

<sup>41</sup> Telephone conversation on 28 June 2000 with Charles F Carøe, former Danish consul, Liverpool.

<sup>42</sup> Watson, p.89.

<sup>43</sup> Report dated 13 December 1940 by Vice consul Henry O Ramsey, American Consulate, Sheffield. Available from Roosevelt Library at <http://www.fdrlibrary.marist.edu/psf/box34/a311u11.html> [accessed 4 November 2003]

<sup>44</sup> Report dated 27 December 1940 by James R Wilkinson, American Consul, Birmingham to Walter H McKinney, consul in the American Consulate General, London. Available from Roosevelt Library at <http://www.fdrlibrary.marist.edu/psf/box34/a315b02.html> [accessed 4 November 2003]

<sup>45</sup> Consul General Walter M McClelland, oral history interview, Foreign Affairs History Collection (CD-ROM 2000).

<sup>46</sup> *Database2*.

<sup>47</sup> My correspondence in October 2000 with Douglas Getty, German consul, Larne, who succeeded Jurgen Gradel.

<sup>48</sup> The former Director General of the Security Service, Dame Stella Rimington, has commented: 'I have no knowledge that the Security Service has had any special interest in consuls.' Letter dated 14 October 2003 to me from Dame Stella Rimington DCB, Director General from 1992 to 1996. The fact that the DG has no personal knowledge of any Security Service interest in consuls does not, of course, necessarily mean that such an interest did not occur.

**CHAPTER 8**  
**SURVEY OF CONSULAR REPRESENTATION IN THE UNITED**  
**KINGDOM**

*Introduction*

This Part of the study deals with the major Consular Survey conducted by the researcher. It is the first time that a national survey has been undertaken of consular representation in the United Kingdom. The results of the Survey are based on analyses of the responses to questions contained in questionnaires completed by consuls and of matters raised during telephone discussions with some of them. These topics and other issues arising from the Survey are explored in Chapters 9 to 16. At this point it may be useful to be reminded of the various titles held by consular officers. Consuls are of two categories, namely career consuls and honorary consuls, and the heads of consular posts (both career and honorary) are divided into four classes: consuls general, consuls, vice consuls, and consular agents.<sup>1</sup> Consular agents are used by Italy and the United States, but France has discontinued their use.<sup>2</sup> The class was not met in the Survey.

Since separate questionnaires were issued to and completed by career and honorary consuls<sup>3</sup>, it was also decided to discuss the findings of the Survey for each category in separate chapters rather than attempt to deal with them in parallel. However, a number of common themes were identified and are explored and discussed in Chapter 15.

When setting out to conduct the Survey, there was an expectation on the part of the researcher that the findings for both honorary and career consuls would be virtually identical. After all, both are concerned with the interests of nationals of the country that they represent. However, closer examination of the data collected revealed significant differences, emanating not so much from the consuls' duties and responsibilities as from their backgrounds. They have the following different characteristics, which are explained further in Chapter 9 on the methodology of the Survey.

In the case of honorary consuls:

- the overwhelming majority are UK nationals;
- the few who are foreign nationals are either permanent or longstay residents of the UK;
- they have, or (if retired) have had, professional occupations unrelated to consular work;
- consular work occupies a very small part of their working life;
- the payment (if any) that they receive for consular work is so low as to be ruled out as contributing meaningfully to their general living expenses; and
- most have no knowledge of the language of the country or countries they represent.

Career consuls, on the other hand:

- are full-time members of their country's foreign service and therefore are invariably nationals of that country;
- are based in the UK only for a tour of duty, after which they relocate to another country and culture (and, often, language);
- have no other occupation, consular work (or other duties in the mission) is their sole occupation;
- receive salaries and allowances in respect of their work (unless they have additional private sources of income, these are their principal means of financial support); and
- obviously, are fluent in the language of the country that they represent.

The findings of the Survey have been grouped within themes. Chapter 9 discusses the criteria for selecting the target group, describes the methodology adopted for collecting, collating, and analysing the data, and considers the statistical reliability of the findings. Chapters 10 to 12 deal with honorary consuls, and discuss socio-economic findings, functions/duties, and motivation for accepting appointment. Chapters 13 and 14 deal with career consuls, and discuss socio-economic findings and functions/duties. Chapter 15 deals with both honorary and career consuls and examines and compares their views and opinions on common questions, such as the scope for

privatisation of consular functions, the effectiveness of the Vienna Convention on Consular Relations 1963 (VCCR), the impact of devolution of government in Scotland and Wales, and the future need for honorary consulates. Chapter 16 sets out conclusions.

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<sup>1</sup> These categories and classes are laid down in Articles 1(2) and 9(1), respectively, of the VCCR.

<sup>2</sup> France now uses the same system of classes for its honorary consuls as other states. Despite this, however, only the term Consular Agency (and not Consulate, Vice Consulate, etc) may be used for the premises occupied by honorary consuls. Therefore, the notepaper of a French honorary consul should be headed 'Agence consulaire de France'. (Article 1 du décret n° 76-548 du 16 juin 1976; quoted in letter dated 7 May 2002 to me from Mme Corinne Breuzé, Ministère des Affaires Etrangères, Service des Français à l'Etranger, Sous-Direction de l'Administration Consulaire et de la Protection des Biens, Paris).

<sup>3</sup> The reason for issuing separate questionnaires to career and honorary consuls is discussed in Chapter 9.

## CHAPTER 9

### SURVEY OF CONSULAR REPRESENTATION IN THE UNITED KINGDOM

#### METHODOLOGY AND STATISTICS

##### *The target group*

The London Diplomatic List, June 2000<sup>1</sup> (hereafter referred to as LDL) was used as one of the sources for obtaining information. It contains, *inter alia*, staffing details of all diplomatic missions (embassies and high commissions) accredited to the Court of St James's. Unfortunately, it contains no information about consuls (career and honorary) other than a brief reference to the few who are located in London. It shows that 150 countries had missions based in London and that a further twenty-two, though accredited to the Court, had their missions based elsewhere—in Brussels, Kiribati, Madrid, Paris, and The Hague. This non-residential arrangement is common in the diplomatic world and avoids the considerable expense of maintaining a mission in every country. From the outset, for societal and cultural reasons, none of the non-UK based missions was expected to participate in the Survey, nor were any of the Middle East countries with missions in London (see also 'Statistics and Response Rates', below). However, all were invited to participate. With one exception, Kuwait, the expectations proved accurate.

Another source of information was a list supplied by the Foreign and Commonwealth Office (FCO).<sup>2</sup> However, this proved to be of only limited value because it lacked essential details, eg names and addresses of the consuls, and also contained a significant number of inaccuracies and omissions.<sup>3</sup> The websites of several diplomatic missions contained useful sources of information about their consulates, and a number of missions also sent address lists to the researcher.

The overall target was two-fold: firstly, designated career consuls in charge of consular sections in diplomatic missions in London and in consulates general throughout the UK, and, secondly, honorary consuls in charge of honorary consulates in



London and throughout the UK. Within these groups, the principal targets were honorary consuls, regardless of where located, and career consuls located outwith London. Diplomatic missions also undertake consular work but the volume and extent of such work varies greatly. Large missions have consular sections; small missions may do so little consular work that it forms part of the duties of a junior member of staff, generally an attaché.

Consulates general are establishments headed by consuls general who, together with most of their staff, are full-time career officers serving a tour of duty in the UK, usually three years; thereafter, they are re-assigned to another part of the world. Honorary consulates are staffed overwhelmingly by British nationals whose consular duties are an adjunct to their principal business or professional work. A few honorary consulates are staffed by nationals of the country that they represent; they are generally long-term or permanent residents of the UK with business or professional occupations. There are few honorary consulates general and they have ceased to be accepted since June 1990, except where a bilateral convention precludes it. The FCO view is that a consulate general should be of sufficient significance to merit the appointment of a career consular officer.<sup>4</sup> Surprisingly, no definitive records exist of the total number of all categories and classes of career and honorary consular staff in the UK. Some missions have large numbers of staff engaged on consular duties—eg France has 87 career consular staff based in London and Edinburgh and 30 honorary consuls throughout the country.<sup>5</sup> Other countries have none. The only available official figures of the total number of career and honorary consular staff (and even they are approximations) are those supplied by the FCO which puts them at 721 in 1998 and 800 in 1991.<sup>6</sup> These include all staff, from the most junior attaché to the most senior consul.

### *Choice of survey method*

Due to the geographically widespread nature of consular representation throughout the UK it was not practicable, from the point of view of travel and subsistence costs, and time constraints, to conduct face-to-face interviews with the survey group of consular officers. For this reason, the self-administered questionnaire survey method was chosen. See Appendices B and C for copies of the questionnaires. This offered the potential to reach the total target group. Although completion rates of such surveys are often not high, experience I gained from conducting an earlier, less

detailed, survey of consular representation in north-east England suggested that the self-administered questionnaire method would produce satisfactory results.

Initially, it was intended that questionnaires would be sent directly and on a personal basis to the head of each career and honorary consular post or section throughout the country, just over 400 individuals.<sup>7</sup> However, as mentioned above, the FCO was unable to supply an accurate and up to date list of consuls' names, addresses, and the countries they represented. On several occasions I drew the FCO's attention to errors and omissions in the lists it had provided, even to the extent of informing it about consulates of whose existence and status (career or honorary) it appeared to be unaware. This was surprising, because all consular appointments must be notified to and be approved by the FCO; the same applies to all changes in consular personnel, consular districts, the location of consular posts, and the opening and closing of such posts. It was not, therefore, merely protocol which finally determined that the questionnaires were sent via diplomatic missions. The reason for doing so was entirely pragmatic. Indeed, the FCO suggested to me that the questionnaires should be sent to the missions with the request that they distribute them to their consular posts because '...they should have all the information that you require and will also be able to provide it much quicker...'.<sup>8</sup> Having said that, there is no gainsaying that it would have been discourteous not to have informed ambassadors and high commissioners that a survey of their staffs was being undertaken.

Although the FCO advice was followed, it is my firm belief, based on my earlier survey (in which questionnaires were sent directly to consuls)<sup>9</sup> and on views expressed to me by consuls in telephone conversations during the Survey, that the response rates in the present Survey would have been even higher had the questionnaires been sent directly to consuls. The FCO's inability to keep accurate consular records is, it appears, a long-standing problem about which little or nothing seems to have been done.<sup>10</sup> At the beginning of this research I found the standard of record-keeping a minor source of irritation. However, after dealing with the staffs of some embassies during the study I came to feel some sympathy for the FCO and ceased to be surprised at the lacunae in its records. Some embassy staffs were unaware not only of the numbers and locations of their honorary consulates but also of their existence; others, despite reminders, failed to follow-up on their verbal undertakings to complete questionnaires. It is unlikely,

therefore, that such staff would be rigorous in notifying the FCO of the changes that arise regularly in the affairs of their embassies and personnel.

### *Correspondence with ambassadors and high commissioners*

The target group of consuls had to be motivated to respond. This was done both by means of the covering letter to their ambassadors or high commissioners and in the rubric of the questionnaires. In both cases, the uniqueness of the survey was emphasised and it was stressed that the participation and cooperation of all concerned was vital to its success. Appeals were made to consuls' sense of history, pointing out that by completing the questionnaires they would be contributing to a better understanding of this important but relatively neglected area of international relations.

### *Design of the questionnaires*

Various criteria were taken into account when designing the questionnaires. It was recognised that consuls are busy people who do not have hours of free time to spend poring over and completing questionnaires. Therefore, although superficially the questionnaires may appear lengthy they are designed to ensure that no research was needed in order to answer the questions; all could be answered on the basis of existing knowledge. Most were straightforward and could be answered by placing a cross against multiple choices, thus avoiding the necessity of writing a response. Two types of questions were used: open-ended (leaving the answers entirely to respondents) and closed or pre-coded (giving respondents a choice from a list of options). These formats were chosen in order to provide a balance between the advantages and disadvantages of the two methods. The argument in favour of open questions is that they allow respondents to express their own ideas in their own words; on the other hand they may discourage respondents because more thought is required and therefore the exercise is more time-consuming. Also, because of their diversity, answers in that format are difficult to enter into a database and to analyse. In the case of closed questions, it is simpler and quicker for respondents to choose their responses and makes it more likely that a response will be given. The task of data entry and analysis is also made quicker, cheaper, and more manageable.<sup>11</sup> It is, of course, important when using closed questions to ensure that all likely responses to questions are anticipated and included in the choices. It was borne in mind also that, with the exception of consuls from English-speaking countries, English is not the first language of the majority of career consuls.

Colloquial English expressions and bureaucratic language were therefore avoided,<sup>12</sup> as were gender-specific questions, and care was taken to ensure that cultural and religious sensitivities were not upset. For example, no reference was made to the fact that the survey would provide a picture of consular representation at the beginning of the new millennium in case this offended non-Christian respondents. Nor was mention made of the FCO's involvement in suggesting that questionnaires be sent via diplomatic missions, as this might have created (unnecessary) suspicions in the minds of some politically hypersensitive respondents.

The possibility of using a single questionnaire to encompass career and honorary consular officers was considered but rejected because the backgrounds of both groups are too dissimilar. This applies particularly to honorary consuls, who not only combine their part-time consular duties with other full-time occupations but also, in some cases, represent more than one country. Furthermore, a common questionnaire would have been significantly longer and necessitated using 'skips' or 'branching' techniques. Such a format would have required all respondents to trace their way through the questionnaire choosing sections applicable to their consular category (career or honorary) and, depending on their answers, being instructed to skip or branch to other sections. Professional designers of questionnaires advise against using this approach.<sup>13</sup>

The questionnaires were pre-tested in order to detect any flaws. They were sent to a career consul and an honorary consul (representing the United States and the Republic of Kiribati, respectively) to test their reactions, seek their views on the questions posed, and ask whether there were any inaccuracies, ambiguities or omissions. Their comments were most helpful. Copies were shown also to colleagues and other disinterested individuals. Both these initiatives were worthwhile and removed several minor ambiguities.

The question of undertaking a larger pilot test and a sample survey was considered but was ruled out for the following reasons.

- The overall size of the target group (just over 400) was sufficiently small to make the possibility of a 100% return a practicable proposition.

- My earlier study of consular representation in north-east England (see above) showed that, as a group, consuls could be expected to produce a relatively high response rate to questionnaires.
- As has been mentioned, since the FCO was unable to produce an accurate and up to date list of consuls it was not possible to identify consuls. However, more importantly, even had such a list been available it would not have contained details of any of the criteria necessary to select a representative sample. The most it would have contained would have been the name of the country represented and the city or town in which the consular posts were located. It would not have had details such as name and address of consuls, their age, nationality, date of exequatur, the main occupation of honorary consuls, the number of honorary consuls representing more than one country, length of service, nature of training received, etc.
- Even had it been possible to identify a representative group of consuls who matched the various permutations of desirable criteria, in order to be meaningful this would have required a group of between ten and fifteen per cent of the total; in other words, approximately forty to sixty individuals. This group could not be approached again and would be lost to what is already a relatively small target group.

### *Reminders*

After six weeks had elapsed, reminder letters were sent to missions from which no questionnaires had been received. This produced additional completed questionnaires. Further reminders and, in a number of cases, telephone calls were made to non-responding missions to expedite the return of questionnaires.<sup>14</sup> In a few cases, it was decided to send questionnaires directly to consuls and this produced a high response from them. Although the eventual final response rate proved eminently satisfactory it is worth pointing out the following problems that were encountered and overcome in achieving this rate.

As mentioned, on FCO advice the initial letters had been sent to diplomatic missions. Consequently, protocol demanded that these would need to be addressed to ambassadors or high commissioners. In a diplomatic mission, although these senior

officials are the heads of the missions they are more involved with political matters than consular matters. Their immediate support staff reflect this. In theory, both subject areas are equally important, but there remain traces among some staff of the old-style, clearly-demarcated division between diplomatic and consular matters. This is despite the fact that nowadays most countries have unified diplomatic services in which career advancement is largely based on meritocracy. As has been shown, most countries formerly operated separate diplomatic and consular services and there was very little career movement between the two. Consuls were regarded by some as belonging to 'the Cinderella Service'<sup>15</sup> or as 'the stepchildren of diplomacy.'<sup>16</sup> On several occasions during the Survey, a lingering degree of this attitude was observed between embassy political sections and consular sections. For example, when I telephoned the consular sections of some missions in order to expedite the return of questionnaires I was informed that the questionnaires had not been received in the consular section because they had been sent to the ambassador or high commissioner. When it was put to these consular staff that surely the ambassador's immediate staff would forward all consular mail to the consular section, which is usually in the same building, the responses ranged from 'knowing silences' to 'you must be joking'. In these cases, a further supply of questionnaires was then requested. Instances such as these had cost implications for copying, stationery, and postage. The Survey has shown that there is considerable room for improvement in the lines of communication between the consular and non-consular staffs in some diplomatic missions. Further features observed during contact with career staff were numbers of staff who seemed harassed, who had limited English language skills, had little knowledge of work of other sections of the mission, and who had either just been appointed or were about to be transferred to another country. These constant staff movements and the consequent lack of continuity of key staff with local expertise must have an adverse effect on the efficient and effective working of a mission. Missions employ locally recruited staff, but they usually hold only junior or secretarial positions. In other spheres of either the public or private sector, few organisations that operated in similar conditions could expect to continue in business for any length of time. This is an interesting topic which would merit separate research.

In addition, a number of unexpected and time-consuming setbacks were encountered during the Survey; these arose from the initial refusal of the Danish and Norwegian Embassies to cooperate, and from the German Embassy's willingness to

cooperate being conditional on complete anonymity being applied to all countries and individuals mentioned in the research. This condition was, of course, unacceptable. Fortunately, all these problems were resolved satisfactorily—and high response rates of questionnaires achieved from these countries—but only after considerable negotiations by the researcher by correspondence, e-mails, telephone conversations and, in the case of Germany, the Embassy's referrals (twice) of the matter to its Ministry of Foreign Affairs in Berlin.

### *Computerised relational database*

From the outset, it was recognised that the completed questionnaires could not be analysed manually. Therefore, using Microsoft Access 97, a computerised relational database was designed into which data from the questionnaires were entered. A relational database is one in which all the data it holds can be selected, grouped, sorted or calculated. Data can be linked (related) to other data in order to produce information about the individuals whose data is stored in the database. The information is obtained by 'interrogating' the database by means of Queries. In the current database, a Query can be as simple as, say, seeking to discover how many female honorary consuls, of a particular age, representing a particular country, are graduates, are located in Northern Ireland, and feel that there is scope for privatisation of consular functions. More complicated Queries can be created.<sup>17</sup> A detailed description of the design and operation of the database is given in Appendix D.

### *Statistics and response rates*

A list of the sixty-eight countries which participated in the Survey is given in Appendix E and a list of their locations is given in Appendix F. A number of other countries replied but said they were unable to participate, generally because they have little or no consular work. With few exceptions, the countries which failed to reply had been identified at the planning stage as those which would fall into one or more of the following categories. Namely, those that:

- might suspect that the Survey had political or other ulterior motives;
- might have societal or cultural reasons for not replying;

- are countries which have no diplomatic mission or consulate in the UK but conduct their UK interests from their missions in other capitals;
- are too small (e.g. Saint Christopher and Nevis, Saint Lucia, Saint Vincent and the Grenadines) and have no consular staff;
- are countries which were in the middle of war, civil unrest or turmoil or were recovering from these (eg, at the date of the Survey, any of the countries in the Balkan region).

Of the countries which either failed to reply or which felt unable to participate, only five—Bangladesh, Côte d'Ivoire, Cyprus, Pakistan, and Switzerland—had a consulate outside London.

It might be argued that the countries that were expected not to reply ought to have been excluded from the mailing list. This would undoubtedly have produced significant savings in time, postage, stationery, and copying costs. However, they were included in order to avoid criticism that the choice of target group had been subjective and selective. As a result of this decision, the final response rate can be said to have been entirely self-selective.

At the time of the Survey, the total number of honorary consulates in the UK was 314.<sup>18</sup> Completed questionnaires were received from 180, making a response rate of fifty-seven percent. This is a particularly high percentage for a self-completed mail survey<sup>19</sup> and ensures that the findings are based on statistically reliable and accurate data which reflect consular representation in the UK at the start of the new millennium. This is further confirmed geographically, as the questionnaires were completed by consuls throughout the country, from the Shetland Islands to the Channel Islands. The LDL identifies seventy-four countries with designated career consular staff in embassies.<sup>20</sup> This amounts to forty-nine percent of the 150 countries listed; completed questionnaires were received from thirty-nine of the seventy-four countries, representing a return of fifty-three percent of London-based designated consular officers. The number of career consuls based outwith London at the date of the Survey was twenty-four. Questionnaires were completed by fifteen of them, representing a return of sixty-three percent. The LDL shows eleven London-based honorary



consulates; however two of them were no longer functioning at the time of the Survey, leaving a total of nine.<sup>21</sup> Completed questionnaires were received from all nine (100%). In the rest of the UK, the number of honorary consulates is 305; completed questionnaires were received from 171 (fifty-six percent) of them. Many countries had 100% return rates. As can be seen, the percentage returns for all categories and groups of consuls are statistically reliable.

### *Conclusion*

This chapter has highlighted the difficulties that had to be overcome, and the methods used, in order to obtain an accurate and up to date record of the locations—and sometimes even the existence—of consulates and of the names and addresses of the consuls. Much of this would have been unnecessary if the FCO maintained a database of consular records and kept it updated. The pros and cons of various survey methods have been discussed, as were the reasons for adopting the self-administered postal survey questionnaire method. Questionnaire design considerations were also discussed and explanations were given for choosing a mixture of open-ended and closed or pre-coded questions. The initial refusal of the Danish and Norwegian Embassies to participate in the Survey and the stance adopted by the German Embassy could have proved serious setbacks as these countries have large numbers of consulates throughout the UK. However, the impasse was overcome and eventually all three were persuaded to participate unconditionally and did so, wholeheartedly, producing high response rates. Analysis of so many questionnaires with up to approximately 250 separate basic responses and innumerable permutations between and among career and honorary consuls would have been impossible to achieve manually. To overcome this, I designed a computerised relational database which, after many initial problems, enabled complex and lengthy calculations to be performed. This form of database also revealed topics which might otherwise have gone unnoticed. High response rates from both career and honorary consuls throughout the UK ensured that the data constituted a statistically reliable source of information that could be utilised to paint an accurate and representative picture of consular representation and activity in the country at the beginning of the new millennium. The methodology set out in this chapter and in Appendix D has deliberately been given in some detail to enable any future researcher to replicate the results of the Survey.

<sup>1</sup> *The London Diplomatic List June 2000* (LDL), London, Foreign & Commonwealth Office/The Stationery Office, 2000. The List is published in June and December of each year.

<sup>2</sup> Letter dated 20 October 1999 to me from David G Nelson, Protocol Division, FCO.

<sup>3</sup> The list supplied by the FCO in 1999 contained inaccuracies and omissions. To give only two examples: it showed a German consulate general in Liverpool which had closed on 30 June 1991 (letter dated 4 April 2002 to me from Frau Daniela Günther, German Embassy, London). Also, it showed that Russia had no honorary consulates, whereas there has been one in Southampton since 1994 (Questionnaire completed by the current consul).

<sup>4</sup> Letters dated 26 April 1991 and 5 January 1998 (with enclosure dated June 1990) to me from Miss P Jones and David G Nelson respectively, Protocol Department (and Division respectively), FCO.

<sup>5</sup> Figures supplied to the researcher in questionnaires completed and returned by the French Embassy and the French Consulate General, Edinburgh for *Consular Survey*.

<sup>6</sup> Letters dated 5 January 1998 and 26 April 1991 to me from David G Nelson and Miss P Jones, respectively, FCO Protocol Department (now Division).

<sup>7</sup> Designated consuls in embassies (74), London-based honorary consuls (9), career consulates outwith London (24), honorary consulates outwith London (305).

<sup>8</sup> Letter dated 5 January 1998 to me from David G Nelson, FCO Protocol Department (now Division).

<sup>9</sup> This was the subject of a dissertation I submitted as part of a pre-undergraduate course.

<sup>10</sup> In 1940 and 1941, investigations by MI5 (the Security Service) into the activities of staffs of South American Embassies and Legations in London were hampered because '...the Foreign Office records of South American Consuls were found to be several years out of date...'. *The Security Service 1908-1945: The Official History*, Kew, Public Record Office, 1999, p.276.

<sup>11</sup> Ronald Czaja and Johnny Blair, *Designing Surveys: A Guide to Decisions and Procedures*, Thousand Oaks, Pine Forge Press, 1996, pp.63-4; Tim May, *Social Research: Issues, Methods and Process*, Second Edition, Buckingham, Open University Press, 1997, p.95.

<sup>12</sup> Thomas R Black, *Doing Quantitative Research in the Social Sciences: An Integrated Approach to Research Design, Measurement and Statistics*, London, Sage, 1999, p.229.

<sup>13</sup> Linda B Bourque and Eve P Fielder, *How to Conduct Self-administered and Mail Surveys*, London, Sage, 1995, pp.28-9.

<sup>14</sup> 'In practice, it is usually worth sending out at least two reminders.' Brian Alt, 'Mail Surveys', Robert M Worcester, Editor in chief, *Consumer Market Research Handbook*, London, McGraw-Hill Book Company, 1972, p.207.

<sup>15</sup> See, for example, D C M Platt, *The Cinderella Service: British Consuls since 1825*, Hamden CT, Archon Books, 1971.

<sup>16</sup> Keith Hamilton and Richard Langhorne, *The Practice of Diplomacy: Its Evolution, Theory and Administration*, London, Routledge, 1995, p.117.

<sup>17</sup> As I had no previous knowledge or experience of computer programming or of database design I enrolled on brief (a few hours) introductory courses run by Durham University's Information Technology Service (ITS). Knowledge beyond this level was obtained from reference manuals and by discussions with an ITS adviser.

<sup>18</sup> Based on FCO estimated figure plus detailed research carried out by the researcher during the study. One of the honorary consuls who participated said he 'was in the process of being replaced by a full embassy.'

<sup>19</sup> 'The circumstances that you describe ... suggest that you have done well to get as high as about 50%.' E-mail dated 26 January 2001 to me from Gerald Goodall, Professional Affairs Officer, Royal Statistical Society, London. '...a 53% response rate for a mail survey would be considered pretty high.' E-mail dated 15 December 2000 to me from Andrew E Smith, Director, University of New Hampshire Survey Center. [These were provisional percentages pending receipt of the final tranche of questionnaires, when the percentage rose to 57%.] 'It is very typical for mail surveys to show response rates in the neighbourhood of 20 to 30 percent.' K Albrecht and L J Bradford, *The Service Advantage: How to Identify and Fulfill Customer Needs*, Illinois, Dow Jones-Irwin, 1990, p.151. '...some postal surveys do not achieve more than a 20 per cent rate of return.' Nigel Gilbert, ed., *Researching Social Life*, Second Edition, London, Sage, 2001, p.87.

<sup>20</sup> Career consular staff have a wide range of titles, including Consul and Minister Plenipotentiary, Minister (Consul General), Consul General, Counsellor (Consul General), Counsellor (Consular Affairs), 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> Secretary (Consular), Consul, Attaché (Consular).

<sup>21</sup> LDL June 2000, pp.96-7. The countries without functioning honorary consuls were Guinea-Bissau and Samoa.

## CHAPTER 10

### SURVEY OF CONSULAR REPRESENTATION IN THE UNITED KINGDOM

#### HONORARY CONSULS: SOCIO-ECONOMIC ASPECTS

##### *Introduction*

This chapter discusses the Survey's findings regarding socio-economic aspects relating to honorary consuls and their appointments. The term includes their nationality, main occupations, age and gender, knowledge of languages, method of appointment, educational background, consular training, multi-country representation, payment, and staffing.

##### *Nationality*

During the course of this study, many people from a variety of backgrounds expressed surprise when informed that honorary consuls seldom have the nationality of the country they represent. This view was even expressed by an experienced *British* staff member of a consulate that had been headed for many years by a national of the country represented; the staff member assumed that all honorary consulates were similarly headed. The Survey shows that the overwhelming majority of consulates (some eighty-one percent) are headed by UK nationals, with only thirteen percent (with one exception, all representing EU Member States) headed by consuls holding the nationality of the country they represented. A further six percent hold dual nationality. In both cases (i.e., foreign and dual nationality) the majority of the consuls are French. The majority of the UK nationals described themselves as British, but several described themselves as English, Scottish or Welsh.<sup>1</sup> Very few consulates (eight percent) reported having foreign staff; details of their nationality were not provided.

##### *Main occupations*

In the past, consular work was inextricably conjoined with mercantile trading and therefore honorary consuls were drawn from the trades and professions that catered

for the needs and demands of that sector, such as shipping agents, ships' chandlers, shipbrokers, and ship owners. While Britain's mercantile trade has greatly diminished, the locations of present day consulates continue to remain overwhelmingly in ports—of varying sizes and importance. This study has found (see Table 10) that honorary consuls with maritime occupations remain the largest occupational group, representing more than a third (thirty-six percent); they are followed by retired individuals of various former professions (eleven percent); solicitors (nine percent); company directors (six percent); university staff (three percent); and chairmen/managing directors (three percent). The remaining thirty-two percent are drawn from an eclectic range of occupations, from airline pilot to writer and broadcaster.

**Table 10**  
**Main occupations of honorary consuls**

	Percentage
Maritime occupations	36
Retired (various professions)	11
Solicitors	9
Company directors	6
University staff	3
Chairmen/managing directors	3
Others (too disparate to be grouped) <sup>2</sup>	32

A full list of the occupational categories of all the consuls who participated in the Survey is given in Appendix G. In an interesting reversal of roles, two of the consuls (for Belgium and Sweden) were formerly British ambassadors to the countries that they now represent.

### *Age and gender*

In the consular world, there has never been discrimination on grounds of age, and an unusually broad age range is found. Those who took part in the Survey ranged from 32 to 82 years of age (with seven percent aged 70 or over), a remarkable range which is unlikely to be found in any other sector of the working population. Most (forty-one percent) had been born after the Second World War; thirty-seven percent were born before the War and twenty-two percent during it. Fifteen percent of the

respondents said that the question of retirement age had not been discussed with them on appointment. For two percent, the retirement age is 56 to 60 years, for twenty-four percent it is 61 to 65 years, and for more than half (fifty-four percent) it is over 65 years.<sup>3</sup> In one case (Estonia), the age is relatively young—51 to 55 years. Three of the Polish consuls said that there was no official retirement age, and one of these said that his appointment was for life. It is not unusual for consuls to be asked to continue in office after the formal retirement age for the post, hence the upper ranges in ages mentioned above. The eighty-two year old consul had been asked to serve until the age of eighty but in a telephone conversation with the researcher said, quite cheerily, that the embassy appeared to have forgotten about him. As the duties of an honorary consul are part-time and for the most part not over-demanding there is no reason why individuals in otherwise good health should not continue in post beyond the normal retirement ages of most other professions, which appears to be sixty to sixty-five years of age. This option would, however, apply only to consuls who work from home. The appointments of many consuls are linked to their full-time occupations. Therefore, when they retire from these occupations they generally also retire from the consular duties and are replaced by someone from within their former occupations.

Until fairly recently, it was unusual to find a female honorary consul; for example, in 1965 (the last date on which published figures are available) there were only four women honorary consuls in the UK.<sup>4</sup> Nevertheless, just as women have broken through the 'glass ceilings' of other professions they have also done so in the consular field, although the number is still relatively small. The Survey identified sixteen (ten percent), all of whom completed questionnaires. In the past, a factor which may have prevented the appointment of women or at least dissuaded them from seeking to become consuls is the requirement to board ships in order to check documentation and also to settle disputes between masters and crews. This can be an intimidating or threatening environment, for men as well as women, and the requirement to carry out the function still exists (see Article 5(1) of the VCCR). Writing in 1933, a British consul drew attention to it when stating his view about the undesirability of employing female consuls:

In the case of consular work it would be difficult for a woman to deal with mutinous crews or hectoring shipmasters, and it would be distinctly unpleasant

for her to look after syphilitic seamen. Most shipmasters would find it very distasteful to discuss such complaints with a female consul.<sup>5</sup>

In my opinion, the reason for the current small number of women does not, however, stem from any chauvinistic attitudes within the consular world or from problems relating to ships and their crews. Rather it is a reflection of the professions and occupations from which consuls are drawn. These are still largely male-dominated. When the ratio of men/women in these professions changes it would be surprising if there were not a cascading effect which would lead to an increase in the number of women consuls. Also, sons have often succeeded their fathers as consuls and it remains to be seen whether daughters will choose to follow their mothers. If progress seems slow, it should be borne in mind that in the career consular field, until as recently as 1946, women were not permitted to join the senior grades of the British Diplomatic Service, and until 1972 were required to resign on marriage.<sup>6</sup> Nevertheless, despite entering the consular profession rather late, it is clear that women are catching up. This is especially true in relation to career consuls, where twenty-eight percent of those participating in the Survey are women.

### *Knowledge of languages*

Although States would prefer to appoint one of their nationals as their honorary consul, there are never enough foreign nationals (permanent or long-stay residents in this country) who are suitable, available, and willing to become consuls. Therefore, the overwhelming majority of honorary consuls in the UK are UK nationals. An unfortunate concomitant of this is that few honorary consuls and their staffs have any knowledge of the language(s) of the countries that they represent. In more than half of the consulates surveyed (fifty-three percent), neither the consul nor any member of staff had any knowledge of the relevant language. In eight of the consulates, only a member of staff had such knowledge. Countries with the highest numbers of consuls with relevant language skills were France (a hundred percent), Germany (sixty-nine percent), and Sweden (forty percent). This is due largely to the fact that many of their consuls are nationals of the countries, several have dual nationalities, and, in the case of France, French is the main foreign language taught in British schools and therefore many UK nationals are likely to have some knowledge of it.

It might be thought that at least a basic knowledge of the relevant language would be a prerequisite for appointment as a consul. On the face of it, such a lack would seem to be a serious handicap since foreign nationals in distress, or otherwise seeking the aid/assistance of their consul, would prefer to use their own language when communicating their problem. However, consuls who do not have the relevant language skills cope with the deficiency in three ways: firstly, they hope that the individual will have at least a rudimentary understanding of English; secondly, most have a pool of local contacts who are nationals of the countries concerned and are willing to offer their services when the occasion demands. Finally, if all else fails, consuls can enlist the help of the embassy staff, provided that there is a mission in Britain. Added to this, of course, is the increasing use of English as a *lingua franca*; in European terms, many foreign nationals who may require consular assistance come from Denmark, the Netherlands, and Scandinavian countries, in all of which admirably high standards of English language knowledge are found.

Among those consuls with language abilities the range of languages is impressively broad, covering eighteen European languages. There are also a few consuls who have knowledge of more exotic languages, such as Arabic, Chinyansa (Malawi), two native dialects of Guinea, and Tuvaluan.

#### ***Method of appointment, educational background, consular training***

No formal qualifications, educational or otherwise, are required in order to be appointed as an honorary consul, although ideally individuals should be well-established business or professional people, of good standing in their community, have good contacts, have suitable office premises, and be sympathetic to the interests of the country represented. The availability of office accommodation is particularly important since it will become the formal address of the consulate and be the repository of consular documents and archives; it must also be fairly presentable and centrally located. All proposed nominations for appointment must be submitted to and formally approved by the FCO, which carries out certain checks. The nature and manner of these formal checks and the method of approval is discussed in Chapter 4. Consular vacancies are not advertised, and candidates are nominated for appointment in several ways. The most common method is that, after making discreet enquiries, the embassy or consulate general of the country concerned will approach an individual to ascertain interest.



Thirty-nine percent of the respondents were appointed in this way. Thirty percent were recommended by their predecessor; in nineteen percent of the cases, the appointments were 'handed down' in the individual's family, company, or church (see Chapter 5). The church connection is peculiar to Scandinavian countries. For example, the clergyman in charge of the Scandinavian Church and Seamen's Mission in Middlesbrough is, *ex officio*, Swedish honorary consul in that area, and his counterpart at the Swedish Church in Liverpool is Swedish honorary vice consul in that city.<sup>7</sup> City or trade councils, friends, and other consuls recommended four percent. Two percent were appointed personally by the country's head of state, and two percent were approached directly by the government of the country. Four percent gave no details of their method of appointment.

Although no educational qualifications are required, it is noticeable that just under half (forty-eight percent) of the consuls are graduates. This is not surprising given that many are full-time members of professions for which graduate qualifications are required. Fourteen percent of the respondents had attended comprehensive schools, thirty-one percent grammar (or equivalent) schools, and fifty-two percent independent schools. Graduates came from all three sectors, with the majority of them (twenty-six percent) having attended independent schools. The educational background of three percent is unspecified. Sixty-nine percent of the female honorary consuls are graduates; the overwhelming majority of them attended grammar schools but the graduates came from all three sectors.

Consular work involves a certain amount of bureaucracy, such as compliance with regulations; each country has its own particular and sometimes detailed and complicated procedures, with documentation to be completed and stamped with official seals, etc. It is something of a surprise, therefore, to discover that more than half (fifty-four percent) of the respondents had received no training for their consular duties. This deficiency is partly offset by the fact that almost three-quarters (seventy-four percent) of them had been issued with a manual of consular instructions. This gives detailed guidance on the procedures to be followed for each aspect of consular work. Some countries are very efficient—giving relevant introductory training, issuing detailed consular instructions, holding annual in-service 'refreshers' and seminars, and arranging follow-up training visits by members of the embassy or consulate general staff. For

example, Canada holds one-week courses in Ottawa for all its newly-appointed honorary consuls. In addition, several countries—notably Scandinavian countries, The Netherlands, and Germany—hold honorary consular conferences at regular intervals. These are held in the capital city of the country concerned, hosted by the minister for foreign affairs, and are attended by most of the country's honorary consuls.<sup>8</sup> Others, such as Australia, hold regional training courses.<sup>9</sup> As well as providing training, all these courses provide an opportunity to receive up to date briefing about aspects of the country's foreign policy. They also foster and encourage a sense of *esprit de corps*.

For those respondents who received training, the method falls into the following categories. Fifty-two percent received a general introduction to consular work, lasting one or two days, at the embassy or consulate general. Twenty percent were trained by their predecessor or while acting on the predecessor's behalf. Thirteen percent received one- or two-day training visits by members of embassy or consulate general staff. Five percent attended meetings or seminars at the embassy or consulate general; and five percent were trained by their office staff, who had experience of undertaking consular work. For example, one consul said that he had 'inherited an experienced consular secretary'. Two percent received training in the country they represented, and three percent gave no details.

### ***Multi-country representation***

The VCCR recognises that consuls may represent more than one country, a practice sometimes referred to as 'double hatting'.<sup>10</sup> A further surprising result revealed by the Survey is that few countries place any limit on the number of countries that their consuls may represent. This is described in fuller detail in Chapter 5. While there are several countries which do not permit their consuls to represent another country, only one (Poland) mentioned this during the Survey. Sixteen of the consuls who responded (just over ten percent) represent, among them, forty-three countries (see Table 11). All but three of these countries are EU Member States. Multi-country representation is especially popular with Scandinavian countries, presumably because of their shared history and linguistic similarities. Eleven of the consuls represent two countries, two represent three countries, one represents four countries, one represents five countries, and one represents six countries.

Table 11

No. of countries	Town	Surname of consul	Countries represented <sup>11</sup>	No. of countries	Town	Surname of consul	Countries represented
6	Falmouth	Fox	D, E, F, GR, N, NL	2	Cowbridge	Smith	N, TN
5	Dover	Ryeland, J	DK, F, NL, S, SF	2	Hull	Kettlewell	DK, S
4	Dover	Ryeland, D	D, E, IS, N	2	Immingham	Carlbon	S, SF
3	Belfast	Maclaran	DK, IS, S	2	King's Lynn	Hume	D, NL
3	Lerwick	Smith	D, N, SF	2	Lerwick	Aitken	DK, IS
2	Ardrossan	Alpine Mair	DK, N	2	Middlesbrough	Brough	DK, N
2	Boston	Woodcock	DK, N	2	Plymouth	Samuel	NL, SF
2	Bristol	Fletcher	DK, S	2	Southampton	Hardie	N, S

The largest numbers of multi-country representations are in Dover and Falmouth where, among them, three consuls represent fifteen countries. All of the multi-country consuls reported that they had never experienced any conflicts of interest when dealing with the affairs of their various countries; several, however, said that it was a possibility.

### *Payment*

As the prefix 'honorary' implies, honorary consuls do not receive salaries.<sup>12</sup> On the other hand, they do not necessarily receive honoraria. Some receive payments to cover the costs of postages, stationery, etc incurred as a result of their consular duties. Some receive payment towards the cost of their office rentals, some are allowed to retain all the fees (or a percentage of them) that they are entitled to charge—for example, visa fees—while many receive no payments whatsoever and meet all their consular costs from their own sources.

Fifty-one percent of the respondents indicated that they received some form of payment, while forty-nine percent said they received no payment or contribution to their costs.<sup>13</sup> Of those who received some payment, the amounts varied enormously and fell into the following bands (Table 12):

**Table 12**  
**Annual payments to honorary consuls**

<i>Amount</i>	<b>% of consuls</b>
Less than £100	25%
£100-£500	23%
£501-£750	12%
£751-£1000	9%
£1001-£1500	5%
£1501-£2000	7%
More than £2000	14%
Unspecified	5%

As can be seen, almost half of those consuls who receive payment (forty-eight percent) receive up to £500 per annum, but the majority (twenty-five percent) receive less than £100 per annum. Twenty-six percent receive more than £1000. The amount received is generally based on the volume of work undertaken and the fees generated, for example for visas, as well as claims for expenses incurred in postage, stationery, and other office costs. One of the consuls made the point that he and many of his colleagues do not bother to record, and therefore claim for, time spent on general work such as the odd telephone call, conversations, etc. (or completing the Survey questionnaire). Surprisingly, there were instances of consuls saying that they receive no payments while others, representing the same country, said that they do receive payments. There is no obvious pattern or explanation for this. For example, both groups include consulates located throughout the UK, in towns that have frequent consular work and in towns that have infrequent consular work. So it is not based on particular locations or volume of work. Also, both groups include consuls who were appointed many years ago as well as those who were appointed fairly recently. Nor is it based on differences in the terms of conditions of appointment between those appointed some time ago and those appointed recently. No information is available to indicate whether these consuls are aware that some of their colleagues receive payments while they do not. It was felt impolitic to follow this up with the consuls concerned or their embassies as it might have created resentment within their ranks.

### *Staffing*

Almost two-thirds of consulates (sixty-one percent) have no support staff and all the work is undertaken solely by the consuls. A third (thirty-three percent) have one member of staff, four percent have two support staff, one percent each have three and four staff. For those consuls who work in a business or company their support staff are found from within the organisation. Some of these staff, through long service, are more knowledgeable about consular affairs than their consuls and provide continuity of experience. Consuls working from home are often assisted by their spouses. Three-quarters of the staff (seventy-five percent) are British nationals; the remainder are foreign nationals but there is no information about their nationalities.

### *Conclusion*

We have seen that honorary consuls come from all walks of business and professional life and can be said to represent an accurate cross-section of that sector. They are not dominated by any one occupational group, since even the largest group, that of the maritime or mercantile sector, represents only just over a third (thirty-six percent). The spread of ages for consuls still in employment after the normal retirement age is atypical of the general working population. While women are steadily increasing their numbers they remain a relatively small proportion of the consular workforce. The lack of language knowledge seems not to be a disadvantage but this is probably due to the increasing growth in the use English throughout the world, aided no doubt by its usage in computing and the Internet and in American cinema and other media. It would be interesting to establish whether in non-Anglophone countries foreign honorary consuls had a greater knowledge of the language of the countries they represented.

Unusually, if not unique among most professions, there is no educational requirement for honorary consuls. At first sight, this may seem odd; however it is because consuls are not recruited at an early age to join a profession which has a career structure through which they may advance. They must already have proved themselves in the profession or career which is their principal livelihood. Although no published information is available, it would be surprising given the traditional careers of honorary consuls in the past if such a high proportion of graduates (forty-eight percent) has previously been matched. It is clear from the large numbers of consuls who receive no payment and those who receive relatively low sums that financial considerations are not

regarded as an incentive to accepting consular appointments. The fact that so few consuls receive training is a matter that should be addressed. This need not be expensive, but as a benchmark it should adopt the best practice of the more efficient embassies. It would be invidious, of course, to name these here. Finally, it is clear that just as the mercantile sector has faced changes so, too, have the occupational backgrounds of the consular profession. This ability to move with the times has been an important factor in ensuring that the profession of honorary consul has not become an anachronism.

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<sup>1</sup> As consuls are responsible for renewing, and sometimes issuing, passports and attesting to the accuracy of documents it is surprising that some gave their legal nationality as English, Scottish or Welsh. They would not, for example, accept Friesian, Flemish, Bavarian, or Breton as nationalities when renewing Danish, Belgian, German or French passports. One consul described himself as British/Mancunian.

<sup>2</sup> This group proved to be too disparate to be grouped into occupational categories. However, full details are given in Appendix G.

<sup>3</sup> The retirement age for the UK's honorary consuls is 65. *Parliamentary Debates (Hansard)*, House of Commons, Sixth Series, Vol. 324, 25 January 1999, Written Answers, col. 145.

<sup>4</sup> Compiled from FOLDCYB 1965, London, Harrison & Sons, 1965.

<sup>5</sup> Christopher Paus, cited in *Women in Diplomacy: the FCO 1782-1999*, Second Edition, London, FCO, Historians, Records & Historical Services, 1999, Appendix I, p.30.

<sup>6</sup> *Ibid.*, pp.1 and 14.

<sup>7</sup> The Rector and clergy of the Swedish Church in London are staff members of the Swedish Embassy. Although the Church of Sweden was disestablished in 2000, the Rector remains a diplomat and a state employee under the Swedish Foreign Office. The Swedish Consul General is a trustee of the Church. *Ulrika Eleonora Svenska Församlingsskyrka*, (Ulrika Eleonora Swedish Parish in London), *Årsberättelse för 1999*, (Annual Report for 1999), London, May 2000, pp.15 & 49.

<sup>8</sup> An excellent example of such an event is the Fifth Consular Conference organised by the Icelandic Ministry of Foreign Affairs, held in Reykjavik from 2 to 5 September 2001. It was attended by 140 of the country's 242 honorary consuls, permanent secretaries of most of the country's government ministries, and fourteen of Iceland's twenty ambassadors. It comprised workshops and seminars on consular themes, business exhibitions, visits, formal and informal receptions. [online] Available from: <http://www.mfa.is/embassy/mfa.nsf/form/content.html?openForm&wt=4B0130372E303>. [accessed 14 December 2001]

<sup>9</sup> Australia, Department of Foreign Affairs and Trade, Annual Report 1997/98. [online] Available from: [http://www.dfat.gov.au/dept/annual\\_reports/97\\_98/subprog22.html](http://www.dfat.gov.au/dept/annual_reports/97_98/subprog22.html) [accessed 24 January 2002]

<sup>10</sup> 'Two or more states may, with the consent of the receiving state, appoint the same person as a consular officer in that state.' Vienna Convention on Consular Relations 1963, United Nations, Treaty Series, Vol. 596, p.261, Article 18.

<sup>11</sup> To minimise space, international car registration letters have been used to denote countries instead of their full name. These are: D (Germany), DK (Denmark), E (Spain), F (France), GR (Greece), IS (Iceland), N (Norway), NL (Netherlands), S (Sweden), SF (Finland), and TN (Tunisia).

<sup>12</sup> British honorary consuls receive an annual honorarium of £1835 (a figure which has remained unchanged since at least 1999), plus certain admissible expenses, for example official postage; letter 22 September 2003 to me from Robert Webb, Head of Diplomatic Missions & International Organisations Unit, Protocol Division, FCO.

<sup>13</sup> One of the busier consuls, who receives no payment but is allowed to retain fees, said that 'as the work of consuls is rather time-consuming a remuneration structure should be introduced.'

## CHAPTER 11

### SURVEY OF CONSULAR REPRESENTATION IN THE UNITED KINGDOM

#### HONORARY CONSULS: FUNCTIONS/DUTIES

##### *Introduction*

There is no definitive list of functions and duties that may be undertaken by consuls—career and honorary—but sending States are selective as to the functions that their honorary consuls may carry out.<sup>1</sup> Generally speaking, honorary consuls do not usually provide the full range and extent of functions that are provided by embassies and career consulates general.<sup>2</sup> One of the criteria that States apply when allocating responsibilities between honorary and career consuls is to differentiate between those honorary consuls who are their nationals and those who are not. For example, France does not permit any of its honorary consuls who are non-French nationals to collect or sign requests for proxies for elections taking place in France, to register French nationals, to receive declarations of birth or death, to issue, renew or extend French passports, to draw up certain simple notarial acts or to exercise the full powers of a notary, or to exercise the functions conferred on consuls as foreign deputies of judges of ‘tribunaux de commerce’.<sup>3</sup>

##### *Consular functions*

Nevertheless, despite the absence of a definitive list it will be helpful to give some idea of the diversity of functions that all consuls, whether career or honorary, may be called upon to undertake, subject to the restrictions that individual States may apply to their honorary consuls. The best overall description of consular functions is set out in Article 5 of the VCCR, which states:

*‘Consular functions consist in:*

- (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 present 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;*
- (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 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 obtaining in the receiving State, representing or arranging appropriate representation for nationals of the sending State before 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 international 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 sub-paragraph (k) of this Article and to their crews, taking statements regarding the voyage of a vessel, examining and stamping the ships 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 authorized 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.’<sup>4</sup>*

It is unlikely that an honorary consul would be given all these functions. As can be seen, functions are extremely wide and varied, particularly in view of the catch-all provisions of sub-paragraph (m). These provisions are usually also contained in any bilateral consular conventions that may exist between countries.<sup>5</sup>

For the purposes of the Survey, consuls were given a list of twenty-six consular functions and asked to indicate against each the percentage of time that they and their staff spent on them in a typical year. In view of the part-time and largely reactive nature of consular work it was difficult for most consuls to specify the amount of time that they spent on it. Comments varied, and included: ‘Very busy’, ‘Overall workload of the consulate is substantial’, ‘Probably about four days per year’, and ‘Say, a hundred hours per year’. The Survey results are extensive and are discussed below. However, according to the respondents, the ten most common functions and the percentage of honorary consuls who undertake them are shown in Table 13.

**Table 13**

**Honorary consuls: most common consular functions**

Function	% of consulates
Passports and visas	67
Attending official social events	61
Trade and commerce	54
Tourism	51
Notarial services	51
Cultural	43
Matters relating to ships and aircraft and crews	39
Pensions and social security	33
Electoral/voting arrangements	30
Education	26

These figures should be approached with caution since although they represent the *most common* functions undertaken they do not represent the *most time-consuming* functions. For example, the most time-consuming functions range considerably, between one and ninety-six percent of the time a consul spends *on consular duties*; the overwhelming bulk of consuls' time is, of course, taken up with business and professional affairs relating to their main occupation. Despite this, however, the picture changes when one analyses the time spent on functions. With one exception (Electoral/voting arrangements), the ten most time-consuming functions remain virtually the same (with the addition of Reporting on political and economic conditions) but their ranking changes. Based on an average percentage for those who responded to this question, the ranking is then as follows.

**Table 14**  
**Honorary consuls: functions on which most time is spent**

Function	Average percentage of time
Passports and visas	71
Matters relating to ships and aircraft and crews	33
Trade and commerce	23
Attending official social events	22
Pensions and social security	22
Notarial services	19
Tourism	17
Cultural	16
Reporting on political & economic conditions	16
Education	15

Passport and visa work remains at the top of the list and consists largely of replacing stolen or lost passports, rather than issuing first-time passports which, for security reasons, is a matter for embassies. Visa work is undertaken mainly in the consulates of non-EU countries as UK nationals do not require visas to travel in the territories of Member States.

Shipping and trade matters are, as expected, high on the list. However, it might come as a surprise to discover that 'Attending official social events' ranks as fourth on

the list. It would be doing a disservice to honorary consuls to interpret this as indicating that they are interested chiefly in the social side of their duties. These events are not glittering diplomatic occasions. The majority are fairly routine, such as representing the consul's country at national celebrations, trade exhibitions, anniversaries, company openings, presentation of Christmas trees, school visits, etc. They serve as valuable occasions for consuls to network and show the flag, in much the same way that their career colleagues do routinely. The highlight event of the year for many honorary consuls is probably the annual dinner of their local consular corps or association.

### *The variety of functions*

As mentioned above, the range of functions is extensive but in terms of the data supplied by the respondents they may be grouped into the following broad categories, each of which is now discussed: Passports, visas, and emigration; Trade, commerce, and tourism; Maritime/shipping; Civil registration; Welfare; Criminal justice; Legal; Cultural and educational; and Reporting on political and economic conditions. Attending official social events has already been discussed.

### *Passports, visas, and emigration*

We have seen that respondents regard passport and visa work as the most time-consuming of their consular duties. Emigration work is largely confined to enquiries. Of the 180 honorary consulates participating in the Survey, only twenty-eight (fifteen percent) undertook this function; the work involved was fairly minimal and was undertaken mainly by non-EU countries (Australia, Brazil, Canada, Guatemala, Iceland, Lithuania, Madagascar, Monaco, Norway, Poland, and Turkey). The Canadian consulate in Wales recorded the highest activity. This may have been due to the high incidence of unemployment there. The consulates of eight EU countries (Austria, Belgium, Denmark, France, Germany, Italy, The Netherlands, and Sweden) also recorded some emigration work which, again, was minimal—the highest interest being recorded by three of Sweden's consulates. Enquiries made at the consulates of EU countries would, of course, have been made by non-EU citizens since EU citizens have freedom of movement in all Member States.

### *Trade, commerce, and tourism*

It might be thought that consulates would be ideal points of contact and resource centres for trade, commerce, and tourism matters. However, only about half of them (fifty-four percent in trade and commerce, and fifty percent in tourism) engage in these activities, and even then at a minimal level. This is understandable since, as far as trade and commerce are concerned, these are activities chiefly undertaken by staff in the embassies, such as ministers, counsellors, and attachés specialising in commercial, trade, or economic affairs. Also, many countries have trade offices located in London as well as national tourist offices. For this group of functions, the consulates of non-EU countries reported a higher level of activities than those of EU countries, possibly reflecting the fact that it is easier for EU countries to engage in the activities within the tariff-free area of the European Union. The consulate recording the highest trade and commerce activities was that of Nauru, based near Sevenoaks, followed closely by those of Panama (Liverpool) and Iceland (Edinburgh). The Turkish consulate in Cardiff recorded the highest activity in Tourism, followed closely by the Icelandic consulate in Liverpool and the Norwegian consulate in Jersey.

### *Maritime/shipping*

Thirty-nine percent of the consulates engaged in this activity, which is not a particularly high figure considering that this function was traditionally one of the most important in a consul's daily routine. Reasons for this change are discussed more fully in Chapter 14. The highest level was recorded by the French consulate in Stornoway, followed by the Norwegian consulates in Grangemouth and Southampton.<sup>6</sup> The lowest was recorded, jointly, by the Icelandic consulate in Liverpool, the Thai consulate in Hull, the German consulates in Newcastle and Glasgow, the Belgian consulate in Dover, the Turkish consulate in Cardiff, the French consulate in Norwich, the Dutch consulate in Guernsey, and the Italian consulate in Glasgow. With only a few exceptions all the consulates are, unsurprisingly, located in ports. While a detailed breakdown of activities under this heading was not requested, they may be expected to include those shown in Articles 5(k) and 5(l) of the VCCR, set out above. For some consuls, they also included liaison duties connected with courtesy visits to their ports by naval vessels from their representative country.<sup>7</sup> Despite consuls with maritime occupations being the highest occupational group (36%), the function was not reported as being either the most common or the one which took up most time. This reflects the

steady decline in the volume of shipping. The function also includes matters relating to the crews of aircraft but no consul reported any activity on this.

### *Civil registration*

This activity refers to registration of the births, marriages, and deaths of nationals of the country represented by the consulates. The events may relate to individuals who are long-stay or permanent residents who have retained their original nationality, or are visiting the UK as tourists or on business. As embassies or career consulates general undertake most registration the level of activity by honorary consulates for this is not high. The level for each of the three functions was broadly similar, with birth registrations showing the highest frequency.

Sixteen percent of the consulates registered births; the highest level of activity was recorded by the Finnish consulate in Sheffield, followed closely, and jointly, by the Finnish consulate in Plymouth, the Italian consulate in Birkenhead, the Greek consulate in Birmingham, the French consulate in Norwich, and the German consulate in Birmingham. The lowest was at the French consulate in Guernsey. Marriages were registered (not performed) by thirteen percent of the consulates; the highest level was recorded by the German consulate in Birmingham. There was a significant gap between this and the consulates with the next highest recorded levels; these were, jointly, three French consulates (Newcastle, Norwich, Hove), two Finnish consulates (Larbert, Hull), two Italian consulates (Cardiff, Birkenhead), and the German consulate in Plymouth. The UK government does not permit consuls (honorary or career) to perform marriages. The lowest level of activity was reported, jointly, at the Dutch and French consulates in Guernsey and the Norwegian consulate in Jersey. As well as registering and certifying the fact that a marriage has taken place, consuls can inform interested nationals about the procedures to be followed in the UK and also arrange contacts with local registrars' offices. Occasionally, they are called on to act as witnesses at marriages. Deaths were registered by fifteen percent of the consulates, the highest level being recorded, jointly, by the Finnish consulate in Hull, the French consulate in Hove, the German consulates in Birmingham, Jersey, and Leeds, the Italian consulates in Birkenhead and Cardiff, and the Norwegian consulate in Dundee. The lowest, jointly, were the Dutch consulate in Guernsey and the Norwegian consulate in Jersey.

### *Welfare*

Despite the extensive availability and provision of welfare facilities in the UK it is nevertheless reassuring to foreign nationals who find themselves 'in distress' to avail themselves of the services of their consulate. This provides an immediate entrée to the support system of their country. This is an important function of a consulate. Under the general heading of 'welfare' the function includes visits to injured or sick nationals who have been hospitalised, injured in accidents, and also the repatriation of deceased nationals. Repatriation also features among the criminal justice functions of a consul. The number of hospital visits and repatriations reported during the twelve months period of the Survey was small. Only twenty-one percent of the consulates were called on to undertake hospital visits, and only sixteen percent were involved in repatriation. The highest instance of hospital visits was reported by the Dutch consulate in King's Lynn, followed by the French consulate in Lerwick and the Swedish consulate in St Helier. For repatriations, the highest reported instances were, jointly, the Polish consulate in Beverley, the Dutch consulate in Dover, the French consulate in Penzance, and the Swedish consulate in Birmingham. Consuls are sometimes involved in comforting and counselling the relatives of seriously injured, dangerously ill and, occasionally, deceased foreign nationals. They also attend funerals. Several consuls mentioned that dealing with the documentation and other procedures involved in the repatriation of the remains of deceased persons is the most unpleasant of their functions. Consuls are required to attend at funeral parlours and attest that the deceased person is the person shown on their passport and to attach seals to the coffin before it is transported abroad. Depending on the circumstances of the death, this function can be an unpleasant and harrowing experience for the consul. One of them mentioned that he had been called to carry out this duty in respect of a pilot who had been killed in an air crash.<sup>8</sup> Problems arise when only the ashes of the deceased person are being repatriated.

Several consulates play an active role in the social and cultural lives of their local 'expatriate' communities. The Polish consulate in Sheffield has set up and organises a successful medical aid foundation which obtains used, but high quality, medical equipment from British teaching hospitals. This is then delivered and given free of charge to needy Polish children's cancer hospitals and intensive care units.

### *Criminal justice*

This is the largest grouping of consular functions and relates to the situations/positions of individuals who, for whatever reason, find themselves caught up within the criminal justice system. It covers the whole gamut from arrest or detention through to possible extradition. The scope for involvement by honorary consuls is perhaps limited to non-technical matters and they cannot, for example, give legal advice, represent individuals in court, or pay legal bills. They can, however, provide a list of solicitors. The controversial question of consular access to detained nationals is dealt with in detail in Chapter 2. At this point, therefore, it is sufficient to recall that Article 36 of the VCCR provides that foreign nationals who are 'arrested or committed to prison or to custody pending trial or ... detained in any other manner' must be informed without delay that they have the right to notify their consular post. After being informed, it is generally up to the national to request that their consulate either be informed or not be informed. In most cases, if the national does not wish their consulate to be notified, that is the end of the matter. However, there are exceptions, and a number of countries that have bilateral consular conventions have included in them a requirement for mandatory consular notification, i.e. even if the national does not wish it.

Arrests and detentions were reported by sixteen percent of the consulates, of which the Swedish consulate in Birmingham and the Polish consulate in Beverley jointly recorded the highest interest. With few exceptions, the consulates represent EU countries. Closely linked to this, fourteen percent carried out visits to convicted prisoners. Ten jointly recorded the same level of activity; again, most of the fourteen percent represent EU countries.<sup>9</sup> Also linked to this activity is the extradition of suspected criminals. Only one percent of the consulates were involved in this, that of Poland (Beverley), followed closely and jointly by those of Malawi (Irvine) and Italy (Birkenhead). Another function is serving of legal process and subpoenas. These are writs of process issued by courts, and include *habeas corpus* and a requirement to appear before a court. None of these was served by consuls but seven percent of the consulates were involved in some aspect of the process, the one reporting most activity was the Monegasque consulate in Edinburgh. Only one consulate (Poland, Beverley) was involved in taking evidence on behalf of its country's courts. This activity usually relates to interviewing witnesses or other individuals whose evidence is required for



proceedings being heard by a country's courts. A similar function is obtaining police reports, court proceedings, or records from the authorities of the receiving state that are required or sought by the authorities of the sending state. A relatively high number of consulates, nine percent, undertook this function, the majority representing EU countries. The highest level of activity was reported, jointly, by the consulates of Australia (Edinburgh), Denmark (Belfast), Finland (Larbert), Italy (Birkenhead), and Sweden (Belfast). Sixteen percent of consulates were involved with repatriation of their nationals. As was mentioned above, this included the remains of deceased nationals but it is not possible to give a breakdown of this figure into those involving deceased persons and those nationals who were repatriated, say, due to ill health, injury, or who were destitute. The majority of the countries involved were EU countries, the highest levels of activity being reported, jointly, by the consulates of France (Penzance), Netherlands (Dover), Poland (Beverley), and Sweden (Birmingham).

### *Legal*

One of the most important consular functions relates to Legal matters which, for the purposes of the Survey, comprise notarial services, child custody disputes and abductions, property and estates, electoral/voting arrangements, and pensions and social security. Within this grouping, notarial services was the most frequently recorded activity, with fifty percent of the consulates undertaking work during the period of the Survey, almost two-thirds of them representing EU Member States. Notarial services include such topics as administering oaths, legalising signatures, attesting and certifying the authenticity of documents, and issuing proof of nationality. The duties are broadly similar to those carried out by a notary. The highest level of activity was recorded by the French consulate in Swansea. Despite the legal nature of this function only eleven of the consuls undertaking it were solicitors; the majority had a shipping/maritime background as their main occupation.

Child custody disputes and abductions were handled by eight percent of the consulates. This type of problem generally arises from the breakdown of marriages or other relationships, particularly those where the parties are of different nationalities, and may be exacerbated by differences between the legal systems of the countries involved. Business relating to the estates and property of deceased persons was dealt with by fourteen percent of the consulates; this is a complicated legal subject yet only three of

the consuls undertaking it were lawyers. Electoral or voting matters were undertaken by thirty percent of the consulates. This is a relatively high number, reflecting the wide variety of elections that exist; for example, national general elections, federal state elections, presidential elections, referenda, European Parliamentary elections and, for some countries, municipal elections. Consulates of EU Member States undertook the overwhelming majority of activity recorded for this function. Many individuals residing permanently abroad are eligible to receive pension benefits from their country of origin; these include state retirement pensions (civil and military), war pensions, and other benefits. A key factor in ensuring that these continue to be paid and attract any increases is an assurance or affirmation that the individual remains alive. This is where consuls play a part, and issue certificates of life, which certify that the individual was alive on a particular date. They can also assist in the arrangements for making initial claims for pensions. Thirty-three percent of the consulates were involved in this function.

Consulates of EU Member States undertook the majority of the activities under the heading of Legal matters. The reason for this may be that it is easier to pursue actions for that topic within the framework of European Community legislation and the European Convention on Human Rights. With one exception, the difference in the size of the majority between EU and non-EU consulates was considerable. The exception was in the case of child custody disputes and abductions, where the difference was relatively close, with nine EU and six non-EU consulates.

### *Cultural and educational*

The scope for honorary consuls undertaking this function is relatively limited since many countries, particularly EU members, have specialised agencies or organisations dealing with it. These include the Alliance Française, the Austrian Kulturinstitut, the Danish Cultural Institute, the Finnish Institute, the Goethe Institute, the Institut Français, the Instituto Cervantes, and the Italian Cultural Institute. Most embassies in London also deal with it to a greater or lesser extent, often having designated diplomatic staff—such as counsellors and attachés. Nevertheless, many honorary consuls do play an active role. They are involved with activities such as twinning arrangements between the town or city in which they are based and one in the country that they represent,<sup>10</sup> visits of naval vessels, of football and rugby teams, receptions for official visitors and delegations from the country represented, and the

presentation of official Christmas trees from the country represented. One consul visits universities and other higher education institutes in his area each year to ascertain whether any have students from the country that he represents. Forty-three percent of consulates were involved with cultural matters and twenty-six percent with educational matters. Twenty-one percent undertook both topics. The Finnish consulate in Larbert reported the highest incidence in cultural activities. This was followed closely by those of Lithuania and Brazil, both in Edinburgh. With one exception, the top eight consulates, in terms of reported activity, are in Scotland; the exception is located in Wales. The consulates of twenty-nine countries undertook this function, with sixty-nine percent of them representing non-EU countries. In educational topics, twenty-five countries were involved, of which sixty-eight percent were non-EU. The Brazilian consulate in Cardiff reported the highest activity, followed by those of seven non-EU countries.

As can be seen, in both topics the activities of non-EU consulates greatly exceeded those of EU consulates. However, given what has been said above about the existence of the various EU cultural organisations and the activities of their embassies it is not surprising that the consulates of EU Member States would have lower incidences of activity.

### ***Reporting on political and economic conditions***

This is another function where the scope for activity by honorary consuls is relatively circumscribed.<sup>11</sup> It is an area for which professional diplomats are trained. When it is remembered that the overwhelming majority of honorary consuls are British nationals it will be realised that this function has the potential to create divided or conflicting loyalties. However, it is not suggested here that this happens in practice. It is highly unlikely that consuls would be asked or would agree to report on any matters which are politically sensitive or which affect national security. Neither the diplomatic missions nor the consuls themselves would permit it.<sup>12</sup> This does not, however, rule out the remote possibility that an over-enthusiastic diplomat might ask a consul to produce such a report, or that an over-enthusiastic consul might decide to produce one on his or her own initiative. Reporting on political and economic conditions will generally be overt, although restricted to the consul and the mission, and produce information which is likely to be available from public sources. Reports will be similar to those found in

responsible journals written by informed journalists and other contributors. Consuls' personal views, opinions, and recommendations will of course be included. It has been observed when speaking to consuls during the Survey that some take this function very seriously and prepare unsolicited reports on topics which seem to be of interest. This is the mark of a conscientious consul. It is important to distinguish between this type of reporting and the normal reports that all consuls submit regarding their consular activities and levels of business. These are submitted at regular intervals to either their superintending consulate general or their embassy.<sup>13</sup> Occasionally, they are submitted directly to their Ministry of Foreign Affairs.

Only fifteen percent of consulates, representing eighteen countries, produced reports on political and economic conditions. The overwhelming majority of these (seventy-two percent) were consulates of non-EU Member States. Perhaps this is an indication that information about political and economic conditions in the UK are difficult to obtain within their own country. The Icelandic consulate in Birmingham recorded the highest level of activity. It is interesting to note that only three female consuls indicated that they prepare this type of report. Is this due to a lack of interest or a reluctance by women to engage in this activity?

### *Conclusion*

Although no definitive list of consular functions exists it is useful to use as a basis the list set out in Article 5 of the VCCR. The reason why no definitive list exists becomes apparent when the wide range of functions that consuls may be called upon to perform is shown. The drafters of the VCCR understood this very well, which is why they added Article 5(m). In layman's language this amounts to an escape clause which permits consuls to undertake anything else to which neither the sending state nor the receiving state takes objection. Discussion of consular functions has revealed the complexity and range of consular work. Consuls require to be adaptable, pragmatic people; they undertake functions which in the non-consular world are undertaken by separate specialist professions, such as lawyers, social workers, registrars, tourist officers. There is also a sense of immediacy in their work that is not encountered by their non-consular diplomatic colleagues. They come face to face with many of their clients, some of whom are in distress and require urgent assistance and solutions. The occupational backgrounds of honorary consuls has changed over the years, reflecting

changes that have taken place in the mercantile trade—which was formerly the main area in which consuls operated. Although the percentage of honorary consuls with a maritime or shipping background remains the highest single occupational group, it is only thirty-six percent.

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<sup>1</sup> Even an expert like Sir Ernest Satow recognised that ‘so various are the functions of a consul that there can be no precise and at the same time universally acceptable definition of the term.’ Lord Gore-Booth, ed., *Satow’s Guide to Diplomatic Practice*, 5<sup>th</sup> edition, London, Longman, 1979, 26.1.

<sup>2</sup> Canada is one of the countries which expect their honorary consuls to provide a full range of consular services, except for regular passport services. See Canadian Department of Foreign Affairs and International Trade [online] Available from: [http://voyage.dfait-maeci.gc.ca/Consular-e/About\\_Us/service\\_standards-e.htm](http://voyage.dfait-maeci.gc.ca/Consular-e/About_Us/service_standards-e.htm) [accessed 28 July 2001]

<sup>3</sup> Telephone conversations with French Honorary Consuls Yvan Besnard (Chester) and Joseph Gowdy (Aberdeen) on 5 and 31 October 2000 respectively. Letters dated 26 October and 14 November 2000 to me from Mme Françoise Bourolleau, French Consul General, London, and Mme Anita Limido, French Consul General, Edinburgh, respectively; telephone conversation with Mme Limido on 27 October 2000; Décret N° 76-548 du 16 juin 1976 relatif aux consuls généraux, consuls et vice-consuls honoraires et aux agents consulaires, Paris; Décret N° 94-81 du 26 janvier 1994 modifiant le décret N° 76-548 du 16 juin 1976 relatif aux consuls généraux, consuls et vice-consuls honoraires et aux agents consulaires, Paris.

<sup>4</sup> Vienna Convention on Consular Relations 1963. United Nations, *Treaty Series*, Vol. 596, p.261.

<sup>5</sup> See, for example, Article 27 of the (still in force) 1951 bilateral consular convention between the United States and the UK which states, *inter alia*, that the consular functions enumerated in Articles 15-26 ‘are not exhaustive. A consular officer shall be permitted to perform other functions, involving no conflict with the law of the territory, which are either in accordance with international law or practice relating to consular officers recognized in that territory or are acts to which no objection is taken by the receiving state.’ Convention between the United States of America and the United Kingdom of Great Britain and Northern Ireland relating to Consular Officers, 6 June 1951. United Nations, *Treaty Series*, Vol. 165, p.121.

<sup>6</sup> Current Norwegian consuls must be thankful that the following function is no longer undertaken. In 1847, Andrew Sutherland, the newly-appointed vice consul for the Kingdom of Sweden and Norway in Lerwick was informed: ‘Every Norwegian Vessel has the words “NORSK EIENDOM” (Norwegian Property) branded either on her side, stem, or stern. If a Norwegian Vessel be sold within your District to other persons than a Swedish or Norwegian subject you will pay attention that the aforesaid words Norsk Eiendom be cut out and obliterated, and send me a Certificate to the effect that such has been done.’ Diploma of Appointment dated 1 January 1847 issued to Andrew Sutherland by Charles Tottie, Swedish & Norwegian Consul General, London, p.6. Shetland Archives, Lerwick, ref. D1/15.

<sup>7</sup> In a telephone conversation with the researcher, one retired honorary consul described the usual pattern of his visits to his country’s naval vessels in the following terms: ‘Lengthy hospitality was the norm, with a glass of schnapps thrust into my hand as soon as I boarded. I wonder now how I managed to get off the ships.’ He had also disliked being piped aboard the naval vessels and had managed to have the practice stopped during his period of office

<sup>8</sup> Telephone conversation with Yvan Besnard, French Honorary Consul, Chester, on 5 October 2000.

<sup>9</sup> A consul offered the researcher the following advice: ‘If you ever decide to be an honorary consul choose a non-maritime country. Otherwise, you may find yourself being called out by the police in the middle of the night to deal with a drunken sailor.’ Telephone conversation with Robyn Murray, Mongolian Honorary Consul, Scotland, on 29 October 2000.

<sup>10</sup> 'British local authorities have links with over 2000 partners worldwide through town twinning schemes, technical and commercial projects. This includes 900 links in France, 400 to 500 in Germany and around 100 in the USA.' Mark Leonard and Vidhya Alekeson, *Going Public: Diplomacy for the Information Society*, London, The Foreign Policy Centre, 2000, Table 5, p.81.

<sup>11</sup> The UK's honorary consuls are not expected to undertake political reporting. *Parliamentary Debates (Hansard)*, House of Commons, Sixth Series, Vol. 324, 25 January 1999, Written Answers, col.145.

<sup>12</sup> Under the terms of Article 5(c) of the VCCR consular functions include: '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.' The key phrase is 'by all lawful means'.

<sup>13</sup> Only one consul was prepared to send a copy of his report to the researcher (and did so).

## CHAPTER 12

### SURVEY OF CONSULAR REPRESENTATION IN THE UNITED KINGDOM

#### HONORARY CONSULS: MOTIVATION FOR ACCEPTING APPOINTMENT

##### *Introduction*

We have seen that there are few tangible rewards attached to being an honorary consul. Consuls wear no distinguishing uniform nowadays, receive no salary or pension, many receive no payment whatsoever and are frequently out of pocket as a result of their duties, and in the case of those who receive some payment it is fairly nominal. In short, there appears to be little incentive or attraction. The question arises, therefore, as to the motivation of those who accept the posts. This chapter considers several themes and argues that, taken together, they could constitute reasons for accepting and sometimes seeking honorary consular posts. The themes, not in any order of significance or importance, are membership of local consular corps and associations, use of consular coats of arms and national flags, frequency of visits by consuls to the country they represent, and whether they receive honours or awards from these countries.

##### *Membership of local consular corps and associations*

Local consular corps or associations exist in various cities and towns throughout the UK. They are discussed in more detail in Chapter 6. Sixty-two percent of the respondents said that there is a local consular corps or association in their area. Membership uptake is high, with ninety-six percent of those with a corps in their area joining it. Apart from one newly-appointed consul, who said she was not yet a member, none of the four percent non-members gave reasons for their non-membership. Thirty-eight percent said that they have no local corps or association in their area. There is a high degree of awareness of these bodies, with only two consuls misnaming them.

### *The use of consular coats of arms and national flags*

This item was not included in the questionnaire but is included here because I feel that it is relevant to the discussion on reasons for becoming an honorary consul. Under the terms of the VCCR (Article 29), sending states have the right to fly their national flags and display their coats of arms on the building occupied by their consular posts, on the consul's residence and on his or her transport when used on official business. However, regard must be paid to the laws, regulations and usages of receiving states. In the UK, honorary consuls are not permitted to have consular registration plates on their vehicles. Coats of arms are generally attractive and often colourful (see Figure 7). In the case of honorary consuls, the majority of whom have their consulate located within their place of business, an official coat of arms or escutcheon and the occasional flying of a foreign national flag can add a certain cachet to that business or profession.<sup>1</sup>

### *Frequency of visits by consuls to the country they represent*

There is no requirement for consuls to visit the country or countries that they represent nor, as has been shown, is there an overriding requirement that they be nationals of the country. They were asked how frequently they visited the countries they represent and whether they received expenses-paid invitations to do so. As can be seen from Table 15, the frequency of visits varied enormously, with the majority, albeit a small one at just over a quarter (26%), visiting more than once a year. However, when this is added to the percentage of those who visit once a year, the number of consuls paying visits each year to the country represented rises to forty-two percent. In the case of those (thirty-four percent) who are nationals or dual nationals of the country represented, it is possible that some visits are made for family purposes rather than consular purposes. Similarly, it is possible that many of the visits by non-nationals (sixty-six percent) are for business or holiday, rather than consular, purposes. Nevertheless, it is interesting to note that the relatively high figure of forty-two percent visit the designated country at least annually, for whatever purpose. In the case of the eighteen percent who said that they visited only when required, it would be interesting to know whether they are ever required.



Table 15

**Honorary consuls: frequency of visits to countries represented**

Frequency	Percentage of consuls
Once each year	16
More than once in a year	26
Every two years	12
Every three years	6
Every four years	6
Every five years	7
Only when required	18
Other <sup>2</sup>	6
No indication given	3

Thirty-four percent responded that they had received expenses-paid official invitations to visit the country they represent.<sup>3</sup> However, the extent of the expenses received is not particularly generous. In all reported cases, it is based on either travel costs being paid, or accommodation costs being paid. None of the respondents said that they received a fully expenses-paid invitation. So, on accepting an official invitation to visit the country they represent, honorary consuls are, once again, expected to be out of pocket.

***Conferring of honours and awards by foreign states***

Most, if not all, states—whether they are monarchies, republics or dictatorships—have a system for rewarding their citizens or foreign nationals for work or service within the state or abroad that is regarded as having merit to the state.<sup>4</sup> While the intrinsic value of an honour or award is minimal, the sense of pride felt by recipients is immeasurable. This is perhaps especially true in the case of honorary consuls, who regard an award as recognition of the largely unpaid and unremarked services that they perform. British citizens must obtain permission from the UK government to accept foreign awards.<sup>5</sup>

Forty-one percent of the respondents indicated that they had received an award from the country that they represent. Nineteen countries had conferred awards; all but five are European countries. In order of ranking by awards made, the top five countries were Norway (19%), Germany (15%), Sweden (14%), Denmark (12%), and France (8%). Three consuls received their awards for services that they had undertaken before being appointed consuls. One of these had been British Ambassador to Sweden, one

received it for services to the Polish community in Britain, and one received it for his contribution to Polish medicine, science and education. Awards made to some of the consuls participating in the Survey included: Knight First Class of the White Rose of Finland, the Légion d'Honneur (France), Knight of the Order of the Falcon (Iceland), Order of Orange Nassau (Netherlands), Commander and Knight of the Royal Norwegian Order of Merit, Gold Cross and Knight's Cross of the Order of Merit (Poland), and The Most Exalted Order of the White Elephant (Thailand).

### *Conclusion*

Given the seemingly unattractive aspects mentioned in the introduction to this chapter, it is difficult to establish the precise reason(s) why individuals undertake the duties and responsibilities of a consul. Is it for the kudos, the uniqueness of the post, a perceived 'glamour' of being the agent of a foreign state, in order to become a member of a unique historical body, in order to network for business, professional or personal reasons, or to continue membership of a long-established family or company tradition? The themes mentioned in this chapter do offer some 'rewards' or 'compensation' for doing the job; namely, the prospect of joining a unique local corps with national and international possibilities, the entitlement to display a consular coat of arms and fly a foreign flag, the possibility of receiving an official invitation (regardless of the degree of financial assistance offered for this) to visit the country they represent, and the possibility of receiving an honour or award from a foreign state. The question of why they accepted their posts was not asked directly of consuls but it did arise in conversation with some of them. A few said they do the job because they enjoy consular work and meeting and helping people. Several said that some of their colleagues undertake it for the kudos it confers, in order to have a consular shield displayed outside their office, and 'love the "bowing and scraping" side of it'. In an occupation that comprises several hundred individuals with different backgrounds and characters some of the latter reasons will doubtless be true. However, my feeling gained from undertaking the Survey and from speaking to consuls is that these reasons apply to only a small minority. For the overwhelming majority there is a sense of pride and satisfaction in both assisting people (who are sometimes in acute distress) and in being a member of a unique office that has a long history. At no time did I gain the impression that the duties were being undertaken simply for the undoubted kudos that is attached to the posts.

<sup>1</sup> A consul who works from home informed me that he does not display the coat of arms or fly the national flag at his house. He lives in a residential district and feels that they would look odd. When a visitor is expected, he displays the coat of arms in one of the windows as a guide. He also feels that displaying these symbols would draw attention to his home, especially at times of tension between the UK and the country that he represents.

<sup>2</sup> The percentage is based on the following responses: 'never', 'hardly ever', 'not often', 'not so far', 'every 2-3 years', 'twice in 7 years', and '8-10 years'.

<sup>3</sup> One of the consuls who was asked this question replied: 'What a hope!'

<sup>4</sup> The UK usually awards an MBE or OBE to its honorary consuls, and details are published in the Diplomatic & Overseas and Commonwealth sections of the New Year and Birthday Honours Lists. Occasionally, an award is made to an honorary consul based in Britain. For example, two of the consuls participating in *Consular Survey*, Dr Iftikhar A Ayaz, honorary consul general for Tuvalu in London, and Professor Joseph Carby-Hall, honorary consul for Poland in Beverley, received OBEs in the 1998 Birthday and 2001 New Year Honours Lists respectively. *The Times*, 13 June 1998 and 30 December 2000 respectively.

<sup>5</sup> This is dealt with by the FCO's Protocol Division.

## CHAPTER 13

### SURVEY OF CONSULAR REPRESENTATION IN THE UNITED KINGDOM

#### CAREER CONSULS: SOCIO-ECONOMIC ASPECTS

##### *Introduction*

In view of the completely different professional backgrounds of career consuls, the socio-economic findings relating to them are of a different nature to those for honorary consuls. This chapter examines and discusses the following categories: age and gender, education, non-Foreign Service employment, lengths of service and appointment, nature of previous and anticipated subsequent appointments, and responsibility for honorary consulates. When looking at the chapters on career consuls it should be kept in mind that these officials are permanent members of their countries' foreign service. In other words, they are civil servants who serve abroad.

##### *Age and gender*

Of the fifty-four career consular officers who responded, thirty-nine (72%) are male and fifteen (28%) are female. There was a much wider age range among the men than the women; the men's ages ranged from twenty-five to sixty-eight, while those of the women ranged from thirty-five to fifty-six. This is not to say that no women under the age of thirty-five are career consuls. Indeed, most of the consulates general or embassy consular sections have female staff aged under thirty-five, but the Survey questionnaires were to be answered by the consular officer in charge. The youngest male in this position who responded was aged twenty-five and the youngest woman was thirty-five. Why should there be such an age difference? This cannot be answered with certainty without carrying out further follow-up research, which is beyond the scope of this study. However, a few possibilities for this situation may be considered. With the exception of most Islamic countries, the majority of countries do not discriminate against the appointment of women to their foreign service.<sup>1</sup> A foreign service career is an exciting one and by definition involves international postings. Nevertheless, despite

the enormous advances that have been made in equal opportunities, a foreign service career continues to present difficulties for women, particularly when they have families and/or when their spouse is not also a member of the foreign service. Although there are of course exceptions, it is still usually women who take career breaks to raise their families<sup>2</sup> and who follow their spouses when his career involves changes of location, rather than *vice versa*. So women often put their careers on hold for a while. Consequently, it will take women consuls with families proportionately longer to reach the more senior consular posts; also, those whose spouses are in non-foreign service careers may well resign from the service. As has been seen, none of the female heads of posts or sections was under the age of thirty-five; a third were in their mid- to late-thirties, and the majority (two-thirds) were aged from forty-four to fifty-six. The age group of the majority suggests that for most of them the question of any career break for marriage, the birth of children and raising a young family would either have already been encountered and resolved satisfactorily or circumstances or personal choice had dictated that they remained unattached.

The foreign services of most non-Islamic countries are 'equal opportunities employers' and make no distinction in relation to gender. It follows, therefore, that their staff retirement ages are the same for both men and women, and this was borne out by the Survey. The only exception encountered was the Kyrgyzstan foreign service which requires female diplomats to retire between the ages of 51 to 55, whereas male diplomats retire between the ages of 56 to 60. The majority retirement age group was 61 to 65 years (43%). For seven percent of the respondents, the retirement age is the relatively young 51 to 55 years. In the foreign services of thirteen percent of the respondents, the age is 'over 65'. This is surprising, and goes against the trend of staff retiring younger. The reason for this particular retirement age could be that these consuls are from countries which have comparatively small foreign services<sup>3</sup> and may therefore wish to retain the services of experienced personnel to an older than average age.

#### ***Education, non-foreign service employment, lengths of service and appointment***

Given the high educational and selection standards that are required for entry to most foreign services it is not surprising that this was reflected in the responses on education. Ninety-three percent of the consuls had received a university education. Four

had PhD qualifications,<sup>4</sup> one had two masters degrees,<sup>5</sup> and one had also received postgraduate training at the Diplomatic School of Madrid.<sup>6</sup> All the women consular officers and ninety percent of the men had received a university education. While the majority of the respondents had worked only in their country's foreign service, almost a third of them (30%) had worked elsewhere. Of the latter, sixty-three percent had been employed in the academic and public sector; and twenty-five percent in the private sector.

As is fairly well known, career diplomats do not remain permanently in post but move from country to country every few years. Perhaps less well known is the frequency with which this is carried out and the advantages/disadvantages of such a system. Forty-seven percent of the respondents stated that the normal length of their appointments is between three and five years; thirty-seven percent said it is three years, seven percent said between two and four years depending on hardship encountered in the country to which they are posted (for example, dangerous political unrest, unhealthy climate), and for two percent it is more than five years. This range of figures is reflected in the length of the respondents' current appointments in the UK at the time of the Survey (Table 16).

**Table 16**  
**Career consuls: length of current appointment**

<i>Number of years in current appointment</i>	<i>Percentage of respondents</i>
7	4
5	7
4	15
3	16
2	15
1	15
No information	28

The majority had been in their current appointments for three years, the percentage of those in post for one, two or four years was fifteen percent in each case, and eleven percent had been in post for five or more years.<sup>7</sup>

This constant turnover of the career consular staff means that in a fairly short period of time the entire key staff of a consulate is replaced. Couple this with the same

level of movement that takes place in all embassies and high commissions and the question arises whether the international system of overseas representation is an efficient and effective method of 'doing business' and whether it is working to its full potential.<sup>8</sup> This movement affects not only the staff themselves but also impacts on their homes and families. The only continuity in a post is provided by locally employed staff, none of whom is a diplomat and all of whom are junior. Would a private sector company operate such a seemingly inefficient system, one in which all its senior staff are continually being replaced and in which specialised personnel departments must spend a disproportionate amount of their time simply arranging overseas postings? Disadvantages of this system are that career staff seldom remain in post for a sufficiently long enough period to get to know the country to which they have been posted, its language, culture, institutions, and people, and particularly the local contacts—not only among the host country's nationals but also among their counterparts in other missions. After all, networking is a fundamental aspect of diplomacy, whether in a mission or in a consulate. There seems to be a perception in foreign ministries that diplomats should not stay overlong in a post for fear that they might 'go native' or become prone to clientitis; in other words, identify too closely and sympathetically with the country in which they are based. One advantage of the system is that for diplomats in unpleasant, dangerous, or even boring posts there is the knowledge that they will not spend their entire career in these posts. A further factor is that remaining too long in a post fails to provide a sufficient breadth of experience from a career point of view, although it is not uncommon to return to a country later in one's career and usually on promotion. The topic of overseas representation, with its constant staff movement, its advantages, disadvantages, and efficacy merits more detailed research.

#### *Nature of previous and anticipated subsequent appointments*

Career consuls were asked to give details of their immediately previous appointment, to state whether it was diplomatic or consular in nature, and to say whether they expected their next appointment to be diplomatic, consular, or a mixture of both. Seventy-two percent said their previous appointment had been diplomatic in nature, and twenty-eight percent said that it had been consular. However, closer examination of the former figure showed that twenty-one percent of the 'diplomatic' appointments had been consular; for example, posts as consuls general, consuls, and

vice consuls, and one had been in his country's ministry of finance. It is surprising that this group should regard these posts as diplomatic when the wording of the question clearly sought a distinction between diplomatic and consular appointments. Did they, perhaps, as diplomats feel that a distinction was unnecessary or even undesirable?<sup>9</sup> Were they, perhaps, slightly piqued at the question? If we reallocate this group from diplomatic to consular, the percentages of those whose previous appointments could be more accurately described as diplomatic and consular become fifty-seven and forty-three respectively. Of the fifty-seven percent who had held diplomatic posts, thirteen percent had been ambassadors,<sup>10</sup> nineteen percent had held posts ranging from third secretary to minister counsellor, and forty-five percent had dealt with diplomatic work in their country's ministry of foreign affairs. The remainder had held a miscellany of posts, including one who had been diplomatic adviser to his country's president.

The responses to the question about expectations concerning the next appointment must be regarded as speculative, unless of course any of the respondents had been given a firm indication of the posting by their personnel departments. However, the majority (44%) expected it to be a mixture of diplomatic and consular. Thirty-one percent expected it to be diplomatic, and only six percent thought it would be consular. There was no information about the remainder. The size of the percentage of those who thought it would be consular is surprising, given that all of them were to a greater or lesser extent undertaking consular duties in their current posts. Subsequent to the survey, in May 2001 the French Consul General in Edinburgh was appointed Ambassador to Bahrain, and in October 2001 the Irish Consul General in Edinburgh was appointed Ambassador to Malaysia, Thailand, Laos, and Vietnam.<sup>11</sup> Both had indicated in their questionnaire replies that they expected their next post to be diplomatic rather than consular. It would be interesting to follow up all the consuls who responded to ascertain whether their expectations proved to be well-founded.

### *Responsibility for honorary consulates*

In addition to their own consular responsibilities, many career consuls are also responsible for superintending the activities of honorary consulates (Table 17). These career consuls may be located either in embassies or in consulates general in other parts of the UK. Almost half (48%) had responsibility for honorary consulates.



**Table 17**  
**Career consuls with responsibility for honorary consulates**

% of consuls	Number of hon consulates
23	1
11	2
8	3
11	4
19	5
4	7
4	10
8	16
4	21
4	25
4	27

The majority of the respondents (23%) each have responsibility for one honorary consulate. As the percentage declines, the number of honorary consulates increases; the three with the highest numbers are responsible for twenty-one, twenty-five, and twenty-seven. These are Sweden, France, and Finland respectively. However, this is not the ranking for the countries with the highest number of honorary consulates in the UK. This is because the figures in the table for France and Germany are sub-divided, since both have separate consuls general in England and Scotland who are responsible separately for the honorary consuls in those countries. On the other hand, all Swedish and Finnish honorary consulates throughout the UK report to London. On a *UK* basis, therefore, France has the highest number of honorary consulates (30), followed by Finland (27), and Germany and Sweden jointly with twenty-one each.

There is no strict pattern to the amount of contact that career consuls have with their honorary consulates.<sup>12</sup> It depends on the amount of business transacted. Some said that it was as often as was needed; the majority (27%) contact their honorary consulates monthly, twenty-three percent do so annually, and the remainder do so on a daily, weekly, or quarterly basis.

The degree of management responsibility for and contact with the honorary consulates can be rather patchy and can depend to a great extent on the commitment and

enthusiasm of the career consuls. Most have excellent contacts and relations with their honorary consulates and this is reciprocated. Only a few criticisms have been raised with the researcher by honorary consuls regarding the extent and quality of contact with their embassy or consulate general. One remarked that 'the effectiveness of an honorary consul is directly related to the support/intervention of one's Consul General and Ambassador. They can be variables.' This summed up the views of the few others. One career consul was unaware of the number of honorary consulates for which she had responsibility until the researcher informed her of this.

### *Conclusion*

More than a quarter of the respondents are women. There is no evidence that women foreign service officers are institutionally discriminated against. However, it remains the case that many women take career breaks to care for their young children and this has an obvious effect on their career advancement opportunities. The Survey's questionnaires were for completion by the consular officer in charge of a post and the replies showed that women in charge were generally older than their male colleagues. The question of who takes a career break to care for children is one for personal decision between couples. Is there any way to overcome the effect on a career that such a choice makes, whether for a woman or, occasionally, for a man? It would be difficult to do so without introducing some form of positive discrimination, but such a policy often produces resentment by those it seeks to help. For example, some of the most vocal critics of the policy of family-friendly work practices for women in the United States are women themselves—single women, married women who have no families, and women who regard any form of positive discrimination as demeaning to women.

Given the high educational standards and selection processes for joining most foreign services it was not surprising to find that ninety-three percent of the respondents are graduates. It was, however, slightly surprising to discover that several have doctorates or masters degrees. The patterns of their pre-foreign service employment showed that most had had no experience of any other type of work. It seems a pity that in most countries a foreign service career is one that people enter immediately after tertiary education and remain in until retirement. A regular two-way flow of personnel between a foreign service and other sectors (rather than the occasional one-way secondment *from* a foreign service) would be advantageous, as would be a policy of

admitting older entrants. This is not uncommon in France.<sup>13</sup> It is surprising that in an age where comparisons are constantly being made between the private and public sector there has been little or no debate about the pros and cons of the high frequency of diplomatic postings. Although specific research would need to be undertaken to prove it, the researcher is of the opinion that no multi-national company would replace all its key personnel every three or four years (or less); if it did, it would soon be out of business. It was interesting to note that although the terms of the particular question were obvious, twenty-one percent of the respondents wrongly regarded their previous foreign service work as diplomatic rather than consular. It was encouraging to note that the range and level of previous and anticipated foreign service postings showed that for most there was no longer a distinction between diplomatic and consular postings. Just under half of the respondents have responsibility for honorary consulates. This is chiefly a management and supervisory role since honorary consulates are fairly self-sufficient and require very little servicing by 'head office'. Nevertheless, even within these parameters the personality, management style, and level of interest of supervising consuls general and ambassadors are important factors.

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<sup>1</sup> Harold Nicolson, British diplomat and parliamentarian, describes how in 1943 during a debate in the House of Commons on the reform of the Foreign Service women MPs, led by Nancy Astor, complained about the exclusion of women from the Service, alleging that they had never been given any chance to show their capacity in foreign politics. 'I said that they might not have been *given* chances, but...they had *taken* chances, and that the results had been disastrous. "You mean mistresses", shouted Lady Astor. I said No, I was thinking of women's virtues and not their frailties. Intuition and sympathy were the two main feminine virtues, and each of these was of little value in diplomacy.' Nigel Nicolson, ed., *Harold Nicolson: Diaries and Letters 1939-1945*, London, Collins, 1967, p.285.

<sup>2</sup> A glance at the Biographical Notes section in a current edition of the FCO's annual Diplomatic Service List shows just how common it is for British female staff to take Special Unpaid Leave (SUPL) on the birth of their children.

<sup>3</sup> Brazil, Dominican Republic, Italy, Norway, Portugal, Slovenia, and Spain.

<sup>4</sup> The American Consul General in Belfast, the Norwegian Consul General in Edinburgh, the Slovak and Portuguese Consuls General in London.

<sup>5</sup> The Italian Vice Consul, Bedford.

<sup>6</sup> The Kazakh Consular Attaché, London.

<sup>7</sup> The length of an appointment can often be arbitrary and depend on variables such as personalities, and political expediency. There are many examples of long-serving diplomats. For example, although they were obviously not participants in the Survey, the Ugandan High Commissioner at the time of the Survey, Professor George Kirya, had been in post for ten years (and he was the Doyen of the Diplomatic Corps), and the Ambassadors of the United Arab Emirates, Saudi Arabia, Luxembourg, and Kuwait, had been in post for nine, eight, seven, and seven years respectively. *LDL*, December 2000, pp.76, 69, 70, 59, 42, 39.

<sup>8</sup> A number of the consuls with whom I had telephone conversations were either about to transfer to another country or had only recently arrived in the UK.

<sup>9</sup> Although career consuls are diplomats, many undertake only consular work throughout their careers.

<sup>10</sup> The French Consul General in London was previously Ambassador to Slovenia; the Indian Consul General in Birmingham was previously Ambassador to the Democratic People's Republic of Korea; the Spanish Consul General in Edinburgh was previously Ambassador to a Disarmament Conference in Geneva, and prior to that was Ambassador to China, and Ambassador to Ethiopia; the Turkish Consul General in London was previously Ambassador to Qatar. The next appointment of the Irish Consul General in Edinburgh was as Ambassador to Malaysia, Thailand, Laos, and Vietnam, and that of the French Consul General in Edinburgh was as Ambassador to Bahrain. The fact that several consuls general had previously been ambassadors and that at least two went on to be ambassadors is an indication that consular work has shaken off its second class image in the diplomatic world.

<sup>11</sup> Français du monde.com for May 2001 and Edinburgh Evening News, 2 October 2001, p.15, respectively.

<sup>12</sup> None of the differing examples of frequency of official contact between career consuls and their honorary consulates matches the lengthy intervals encountered by Thomas Jefferson when he was Secretary of State. Writing on 6 November 1791, in very measured tones, to William Carmichael, American Chargé in Spain he said: *I am sorry to know nothing more of the subject than that letter after letter has been written to you thereon, and that the office is in possession of nothing more than acknowledgements [sic] of your receipt of some of them so long ago as Aug. 1786. and still to add that your letter of Jan. 24. 1791. is the only one received of later date than May 6. 1789. You certainly will not wonder if the receipt of but one letter in two years & an half inspires a considerable degree of impatience.* Quoted in 'The American Ambassador', Staff Report of 15 June 1964, *The Secretary of State and The Ambassador: Jackson Subcommittee Papers on the Conduct of American Foreign Policy*, Senator Henry M Jackson, ed., New York, Frederick A Praeger, 1964, p.62.

<sup>13</sup> Graduates of France's Ecole nationale d'administration, who are known as 'énarques', move seemingly effortlessly between careers in the public and private sectors. They have been described as 'a disinterested élite state service which would manage society on people's behalf and in its interest but was protected from the intrusions and corruptions of sinister sectional interests.' Peter A Hall et al., eds., *Developments in French Politics*, Basingstoke, Macmillan Press, 1992, p.286.

## CHAPTER 14

### SURVEY OF CONSULAR REPRESENTATION IN THE UNITED KINGDOM

#### CAREER CONSULS: FUNCTIONS/DUTIES

##### *Introduction*

As mentioned previously, there is no definitive list of consular functions and duties. Whether undertaken by career or honorary consuls, they are essentially the same for both categories. In practice, however, the degree and extent of those undertaken by career consuls is greater.<sup>1</sup> In this regard, it is worth quoting two views about career consuls, expressed some forty years ago in the context of UK overseas representation, that are equally true today of foreign career consular representation in this country. Namely, ‘...within his district, a [career] Consul has the same broad representational responsibilities as an Ambassador has [sic] in relation to an overseas country as a whole.’ And ‘There are places where the general range of activities carried out by [career] Consuls-General and their staffs transcends in importance that of minor embassies.’<sup>2</sup>

As explained in Chapter 11, the benchmark for functions undertaken by all consuls (whether career or honorary) is that set out in Article 5 of the VCCR.<sup>3</sup> Therefore in this chapter discussion centres upon the same grouping of functions employed in that chapter, namely: Passports, visas, and emigration; Trade, commerce, and tourism; Maritime/shipping; Civil registration; Welfare; Criminal justice; Legal; Cultural and educational; and Reporting on political and economic conditions. It should be borne in mind that career consuls undertake their functions on a full-time basis; they have no other business or professional duties.

### *Passports, visas, and emigration*

Sixty-nine percent of the respondents reported that they dealt with business relating to passports and visas, and thirty-five percent with emigration. Passport and visa work provides a significant proportion of the workload of a consulate.<sup>4</sup> In a sense, it is a country's overseas-based first line of defence, a type of firewall, by means of which it exercises control over access to its territories; control of egress is the responsibility of a country's domestic agencies. Passport work consists mainly of issuing, renewing or replacing the passports of the nationals represented by the consulates. Within the parameters of this study, therefore, UK nationals generate little work involving passports. However, within the same parameters, it is UK and many other nationals (who live or work in the UK, or are travelling through it) who generate visa work. Visas are of various kinds, ranging from those for short-stay tourists, students and business people to those for would-be emigrants.<sup>5</sup> Visa and other consular fees are a useful source of income for a consulate and can be used to offset its running costs. Indeed, many countries charge fees for these and other consular services at a level which enables their full cost to be recovered. For some countries, there is no fee for short-stay visas. However, for many countries a fee, which may be fairly high, is levied according to the length and number of visits. This can be illustrated by a few examples of fees per person per single visit charged by several of the countries participating in this Survey. At the time of writing, these were China (£30 if submitted and collected personally; otherwise £50 by post), India (£30), Kyrgyzstan (between £20 and £125, depending on the length of the visit), Russia (£30), and Turkey (£10, up to ninety days). There are, of course, no visa requirements—and therefore no fees—for UK nationals travelling within EU Member States.

The amount of time spent by respondents on passport and visa work during a typical year varies; for some it is ten, fifteen, twenty, or twenty-five percent, but nineteen percent spent thirty percent of their time on this function, eight percent spent forty percent, five percent spent fifty percent, eleven percent spent sixty percent, and sixteen percent spent seventy percent or over.

It is unsurprising that only thirty-five percent of the consuls dealt with emigration matters. Gone are the days of almost unrestricted emigration to most countries. Nowadays, if countries permit it at all, emigration is on a strictly limited and

controlled basis. The issue has been further complicated by the problem of illegal migrants and asylum seekers whose motives are principally economic rather than political. In their replies, consuls gave no indication of the nationalities of the people who form the source of emigration work. Nor is there any indication of whether these people are seeking to emigrate from the country or immigrate to the country in question, although, from the list that follows, it is not difficult to speculate about which country falls into which category. The countries of the consuls who responded on this function are as follows: Albania, Barbados, Brazil, Dominican Republic, Germany, Indonesia, Italy, Kazakhstan, Latvia, Philippines, Portugal, Romania, Slovak Republic, Slovenia, Sweden, Trinidad and Tobago, and the United States. For most of them, emigration work took up very little time, ranging from one to eighteen percent in a typical year. However, for Romanian and Swedish consuls it took up twenty percent and forty percent respectively.

### *Trade, commerce, and tourism*

Thirty percent of the consuls undertook trade and commerce work, and thirty-seven percent undertook tourism work. The fact that only thirty percent of the respondents were involved in trade and commerce is likely to be because these functions are undertaken by specialist staff in the embassies, whose titles generally include the designation of trade, commercial affairs, or economic affairs. The amount of time spent by most respondents was between one and twelve percent. However, the Irish consuls general in Edinburgh and Cardiff spent fifteen and twenty percent respectively, and the Indian consul general in Edinburgh and the American consul general in Belfast each spent twenty-five percent. These atypical figures could stem from each being located in areas of devolved government, which were becoming more accustomed to side-stepping London-based institutions (including embassies). Perhaps the embassies had also devolved some of the work of the designated trade and commerce staff to their consulates general in Scotland, Wales, and Northern Ireland.

The amount of time spent on tourist work was fairly minimal, with the exception of the London-based consular staff of Guyana and the Dominican Republic who spent twenty and forty percent of their time, respectively, on it. It is puzzling why the Dominican Republic's consular staff should spend such a high proportion of their time on this when there is an office of the Dominican Republic Tourist Board in the same

city. There is no such office for Guyana. Unless there are reasons which were not revealed to the researcher, it would seem that the Dominican Republic is unnecessarily using consular staff to undertake work which is more appropriate to the staff of its Tourist Board.

### *Maritime/shipping*

Historically, work related to shipping was the principal function undertaken by consuls, and they were based mainly in ports large and small throughout the UK.<sup>6</sup> However, shipping patterns have changed over the years;<sup>7</sup> nowadays, there has been a gradual decline in the shipping industry and a trend towards large container ships and oil tankers. The era of transatlantic liners arriving regularly at Southampton, Liverpool and Clydebank has long disappeared. As a result, mercantile activity in the British Isles is now concentrated in a relatively small number of ports.<sup>8</sup> One consequence of this is a reduction in maritime/shipping work for career consuls (they are not based in small ports). Only twenty-eight percent recorded undertaking any shipping functions, and even then they spent little time on them. The majority spent only between one and five percent of their time. Even the busiest among them, the French consulate general in Edinburgh, spent only ten percent of its time. Sixty-seven percent of the respondents involved in this activity are based in London and twenty-seven percent in Edinburgh. Oddly enough, one consul who is not based in a port—Bedford—recorded that she spent one percent of her time on this function. Although the question was phrased to also include matters relating to aircraft and their crews no consul made any reference to this. Although it comes within their remit, in practice it is highly unlikely that they would be involved with aircraft. As was discussed earlier, the situation with honorary consuls' involvement in shipping matters is remarkably similar, with only thirty-nine percent of them spending any time—and fairly minimal time at that—on it.

A further factor that has led to the decline in consular activity on this function is the increased numbers of ships being registered under a flag of convenience; that is, where there is no national link between the flag state and the ships on its register. Many ships are registered in countries such as the Bahamas, Liberia, Malta, and Panama and sail under their flags.<sup>9</sup> Not all of these are ships plying the oceans of the world. Some are closer to home. For example, a glance at the country of registration of cross-channel ferries, which go nowhere near their countries of registration, confirms the extent of this



practice. Critics of this type of registration point to reduced safety standards on these vessels and to poor pay, training, and working conditions for their crews. A recent report by the Paris Memorandum of Understanding on Port State Control (which is an administrative agreement—known as the Paris MOU—between the maritime authorities of seventeen European countries and Canada) highlighted the problem.<sup>10</sup> Fifty percent of the top ten countries that appear on the Paris MOU's Black List during the years 1998-2000 are Flag of Convenience states. During this period, 1585 of the ships registered with these states were inspected and 506 of them (32%) were categorised as 'Very high risk' and were detained due to 'deficiencies clearly hazardous to safety, health or the environment.' The Black List ranks Flag States whose shipping registers have 'a consistently poor performance measured over 3 years.'<sup>11</sup>

We have seen the powers conferred on consuls under the VCCR. Under Article 5(k) they are allowed to exercise '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.' Also, under the terms of Article 5(l) their powers include

...extending assistance to vessels and aircraft mentioned in subparagraph (k) of this Article and to their crews, taking statements regarding the voyage of a vessel, examining and stamping the ships 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 authorized by the laws and regulations of the sending State.

From a consular perspective, only a consul representing one of these flag of convenience countries has the automatic right to board one of its ships (or aircraft) to deal with their masters or to settle disputes or generally carry out the functions set out in Articles 5 (k) and (l). However, the master and crew will invariably be of different nationalities from that of the country in which the ship is registered, and therefore in respect of matters relating to them personally that occur on the ship they will be unable to call on the services of their own consuls. This is a surprising loophole in consular

representation. Of course, if some incident occurs on shore, the master and crew may then call on the services of their own consuls.

### *Civil registration*

This function is identical to that undertaken by honorary consuls and relates to registration of the births, marriages, and deaths of nationals of the country represented. As was pointed out in Chapter 11, a higher percentage of this function tends to be carried out in career consulates.<sup>12</sup> The levels for registering marriages and deaths were identical, but that for births was markedly higher. Registrations of births exceeded those of deaths.

Fifty percent of the consulates registered births; the highest level of activity was recorded by the Slovak consulate in London which reported that a surprising twenty percent of its time was spent on this. The Irish and Turkish consulates in London were next, reporting fifteen and twelve percent respectively of their time, followed closely, and jointly, by the Belizean, Colombian, Portuguese, and Thai consulates in London, and the Italian consulates in Edinburgh and Bedford. Consulates spending the least amount of time (one percent) were those of Albania, the Dominican Republic, and Latvia in London, and the United States in Edinburgh.

Thirty-seven percent of the consulates registered marriages and the highest levels of time spent on these were identical to those for births; that is, Slovak Republic (twenty percent), Ireland (fifteen percent), and Turkey (twelve percent)—all in London. In the case of the respondents of the other countries, the picture of marriages registered was similar to that of births registered, with consulates spending between one and eleven percent of their time on them. The largest incidence was recorded by the consuls of Germany, Indonesia, Philippines, and Romania—all in London—and the United States (Edinburgh) which each spent two percent; those of Kuwait (London), Japan (Edinburgh), and Brazil (London) spent five, seven, and eight percent respectively, and Colombia (London), Italy (Bedford and Edinburgh), and Portugal (London) each spent ten percent. The Dominican Republic (London) spent eleven percent. Although the UK Government does not permit consuls to perform marriage services one consul, who had perhaps better remain unidentified, reported that he had performed such a service.

The overall percentage of consulates registering deaths was identical to that for marriages—thirty-seven percent. The highest percentage of time on this function was recorded by Italy (Bedford) and Portugal (London), each of which spent ten percent. In second highest place were Italy and Japan (both Edinburgh) and Turkey (London), each of which spent six percent. The majority, thirty-five percent (all based in London), spent only one percent. The next highest group, spending two percent of their time, were Albania and Germany (both London) and France and the United States (both Edinburgh). Consular officers of France (London) spent four percent, followed by those of Colombia, Kuwait, and the Slovak Republic (all London), each of which spent five percent.

### *Welfare*

For the purposes of this study, welfare comprises visits by consuls to injured or sick nationals who have been hospitalised (and all that may follow from this, such as contacting relatives and, in the case of deaths, assisting where necessary with funeral arrangements, etc) and repatriation of nationals. The latter topic also features, for different reasons, among the criminal justice functions. Also, it is possible that there may be occasional overlaps between the welfare function and the registration of deaths function, discussed above.

Twenty-eight percent of the respondents undertook hospital visits to citizens of their countries. Seventy-three percent of the incidents occurred in the London consular districts; the remainder were in Edinburgh. The amount of staff time spent on this was, however, minimal, ranging between one and three percent. More than half the consuls spent only one percent of their time on it. As an activity, repatriations of nationals was fairly high, with fifty percent of the respondents indicating that they had been involved with this; again, however, more than half of them spent only one percent of their time on it. Eighty-one percent of the incidents occurred in the London consular district, with the remainder taking place in Edinburgh. Although the incidence of the welfare functions was not particularly high, nevertheless the benefit to the recipients should not be underestimated.

### *Criminal justice*

As was the case with honorary consuls, for the purposes of the Survey a number of discrete topics have been grouped together under the umbrella function of 'Criminal justice'. These are: arrests and detentions, visiting convicted prisoners, serving of legal process/subpoenas, taking evidence on behalf of the courts of the country represented, obtaining police reports, court proceedings or records in cases involving nationals of the country represented, repatriation of nationals of the country represented, and extradition of suspected criminals. This is the largest grouping of functions in the Survey. Although the percentages of respondents undertaking activities under this head are fairly high, the amount of time they spent on them is fairly low. This ranged from eight percent to less than one percent.

Perhaps predictably, in view of their different levels of professional consular experience and knowledge and the unrestricted range of functions that they may undertake, the percentage of career consuls who reported activities on this topic was considerably higher than that of the honorary consuls. The two highest recorded activities by honorary consuls were, jointly, arrests and detentions and repatriation of nationals, both undertaken by sixteen percent of the respondents. On the other hand, although repatriation of nationals was also the function undertaken by the greatest number of career consuls their percentage was much higher—fifty percent, with a third of them representing EU Member States. Their second highest activity was visiting convicted prisoners, undertaken by forty-eight percent. This was followed closely by arrests and detentions, undertaken by forty-six percent. In an ideal model, since being convicted follows being arrested or detained, the percentages for these two functions would be similar. However, the Survey is a snapshot of one year; it is highly likely, therefore, that some of the visits made during that year were to prisoners who had been arrested or detained during the previous year. Also, some of those arrested or detained would not necessarily have gone on to be convicted. Nevertheless, it is interesting to note that for both honorary and career consuls the percentages for these functions occurring within the two groups of consuls broadly match. For the remaining five functions under this head, the percentage of respondents undertaking them ranges from twenty-two percent (taking evidence on behalf of the courts of the country represented) to thirty-five percent (obtaining police reports, court proceedings or records).

### *Legal*

As has been described in Chapter 11, the umbrella term 'Legal' comprises notarial services, child custody disputes and abductions, matters relating to property and estates, electoral/voting arrangements, and pensions and social security.

For the purposes of this study, notarial services is taken as including duties such as authenticating copies and translations of official or private documents, legalising signatures, administering oaths, issuing proofs of nationality, and serving legal documents issued by the country represented on its nationals.<sup>13</sup> Notarial services was the activity undertaken by the greatest number of consuls—sixty-three percent, with the time spent on it by them in a typical year ranging from one percent (Irish, Swedish, and United States consular officers in London) to thirty percent (Lithuanian consular officers in London). The largest number of consuls within this topic (thirty-eight percent) spent ten percent of their time on it.

Electoral/voting matters were undertaken by forty-one percent of the consuls and occupied between less than one percent and fifteen percent of their time. The largest group, forty-five percent, spent only one percent of their time on it. Within this group, the least time was spent by consular officers of Kazakhstan (London), and the greatest by the Italian consulate general in Edinburgh. More than a third of the consulates (thirty-six percent) represented EU Member States. This contrasts with the figure of twenty-four percent of EU honorary consulates which undertook this function and suggests that, between them, sixty percent of career and honorary consulates dealt with the administrative arrangements for non-UK EU nationals living, working or passing through this country and who wished to vote in elections being held in their own country.

Thirty-one percent of the consuls were involved in work relating to child custody disputes and abductions, and spent between less than one percent and five percent of their time on it. The least amount of time was spent by Latvian consular officers in London, and the greatest by the American consulate general in Edinburgh. The largest group of consulates, forty-seven percent, spent only one percent of their time on this.

Pensions and social security matters were undertaken by twenty-eight percent of the consulates, spending between one percent and fourteen percent of their time on this. The largest group, twenty-seven percent, spent five percent of their time. Consular officers of Brazil, the Dominican Republic, and Portugal (all in London) recorded the least amount of time, while American officials in London expended the greatest amount of time. The latter case is not surprising when one considers that the Federal Benefits Unit in the Embassy oversees the annual disbursement of more than \$162 million to 26,000 Social Security beneficiaries in the UK.<sup>14</sup>

The final activity under the head of 'Legal' is property and estates. This relates to the powers of consuls in cases where their nationals die in the receiving state, in this instance the UK. General authority for these powers is contained in Article 5(g) of the VCCR, which states that one of the consular functions is: '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.' This is a complex field and detailed powers and responsibilities of consuls are usually set out in bilateral consular treaties.<sup>15</sup> Suffice to say that it includes not only issues of succession but also of moveable and immovable property. Twenty-two percent of the respondents recorded activity on property and estates matters, with the times spent by them ranging from less than one percent to ten percent. The largest group (forty-two percent) spent only one percent of their time on it. Consular officers of Italy (Edinburgh) and Barbados (London) spent the least time, and those of Sweden (London) spent the most.

It might be expected that legal matters would be dealt with by lawyers or qualified legal staff. This is not the case. Few career consuls are qualified lawyers. Occasionally, some of the larger embassies may have staff who appear to hold legal qualifications. They may range in rank from junior attaché to minister-counsellor and the nomenclature of their diplomatic grade may include, in parenthesis, appendages such as Legal Adviser, Legal Affairs, Legal and Consular Affairs, Legal and Political Affairs, Judicial Affairs, and Political and Judicial Affairs. As has been seen, even among honorary consuls only nine percent of the respondents are solicitors. Of course, if career consuls are faced with legal problems that are outwith their abilities or competence they can seek specialised advice from their foreign ministries. Similarly,

honorary consuls faced with such difficulties have recourse to their superintending career colleagues and thus to the foreign ministries. Therefore, a legal qualification is not a prerequisite for undertaking legal work, at least in the consular world.

### *Cultural and educational*

There is a blurring of the edges of these two functions. For example, if consuls visit schools to talk about the cultural aspects of their country, ought the visits to be classed as cultural or educational? For the purposes of this study, both functions are as described in Chapter 11, which discusses the extent to which they are undertaken by honorary consuls, and need not be repeated here save to add a few additional ones. These include the promotion or sponsorship of exhibitions, concerts, and theatrical performances, either by organisations, artists and theatrical groups from the country represented,<sup>16</sup> or by UK-based ones involved in an activity that relates to the country represented. Also, as foreign-based nationals of their countries, career consuls, unlike honorary consuls, could be said to have a permanent cultural and educational role, which is judged on every occasion that they interact with nationals of the receiving state. An example of this may be seen from the reaction that a UK national might have when confronted by the rude or officious behaviour of an honorary consul—who is a UK national—and a career consul. In the case of the former, the national is more likely to form a negative view of the consul as an individual rather than of the country represented; in the case of the latter, it is likely that the negative view would be of both the individual and the country.

Twenty-six percent of the respondents undertook cultural duties, and a similar percentage undertook educational duties. The amount of time spent on these ranged from one percent to fifteen percent for cultural duties, and from one percent to ten percent for educational duties. Nineteen percent undertook both duties; this contrasts with twenty-one percent of honorary consuls. The least amount of time on cultural activities was spent by consular officers of Latvia and Portugal (both London), and the greatest amount by those of India (Edinburgh). On educational activities, the least amount of time spent was also by Latvia and Portugal (both London), and the greatest by Japan (Edinburgh) and Kyrgyzstan (London). There was more activity on both functions by consuls of non-EU Member States than by those of Member States. This is the reverse of the situation reported by honorary consuls. More time on cultural

functions is expended outwith London, perhaps because of the plethora of attractions and competing events to be found in the capital. Three of the top four consulates in the cultural field, in terms of the greatest amount of time spent, are in Edinburgh: the consulates general of India, Ireland, and Germany reporting that their consuls spent fifteen, ten, and seven percent of their time, respectively, on this in a typical year. The percentage of career and honorary consuls undertaking educational duties is identical (twenty-six percent), but the number of career consuls undertaking cultural duties lagged behind those of honorary consuls, at twenty-six percent and forty-three percent respectively. This is surprising, but is probably explained by career consuls having readier access to the services of their designated, and non-consular, colleagues in their embassy or government agency. For example, an exhibition sponsored or mounted by a sending state would involve specialised colleagues and exhibition and design staff rather than consuls. A good example of this dichotomy can be found in Edinburgh, where the French consulate general is housed in the same building as the French Government's Institut Français d'Ecosse. In this case, it is the Institut which is responsible for cultural and educational activities, not the consulate general. In her copy of the questionnaire the French Consul General correctly recorded no cultural and educational activities. It should also be borne in mind that the figure for the honorary consuls is likely to include some contact with and assistance and support from their career colleagues.

Attending official social events is a widely encompassing term. It is included here because such events are often closely related to cultural and educational functions, although they can of course be related to other functions, such as trade and commerce. However, regardless of the functions to which the term may be attached, many consuls did not accord it a high priority. Forty-four percent responded that they spent little or no significant time on the activity. Of the remainder, forty-one percent said that it occupied, on average, only between one percent and nine percent of their time and that of their staffs. Fifteen percent said it occupied between ten percent and twenty-five percent of their time. Of these, the highest percentage (25%) was recorded by the US Consulate General in Belfast, followed equally (at 20%) by the US and Indian Consulates General in Edinburgh.



### *Reporting on political and economic conditions*

This is a function in which career consuls have an advantage over honorary consuls. In most foreign services, career consuls are diplomats and therefore are expected, as a matter of routine, to report on various aspects of the country in which they are serving. Unlike honorary consuls, their professional training and experience prepare them to carry out this important function. As will be discussed in Chapter 15 on comparisons between career and honorary consuls, the introduction of devolved government has created additional reporting work for consuls.

Yet, despite the importance of this function, only thirty-five percent of the respondents stated that they undertook it. This is probably because a number of them are based in the consular section of embassies, rather than in consulates general, and therefore reporting work is normally carried out by other diplomats in the embassy. However, even in such cases, the consuls undertake some reporting. When the percentage is broken down further, it shows that forty-two percent of the respondents involved in reporting are located in consulates general in cities other than London. The amount of time they spend on the function varies from one percent to seventy percent. The lowest is undertaken by consular officials of Latvia and Portugal, based in their London embassies. It is no accident that six of the top seven respondents are based in Scotland, Wales, and Northern Ireland, all of which, as has been mentioned above, are affected by the devolution of government.

### *Conclusion*

As with Chapter 11, dealing with functions undertaken by honorary consuls, the present chapter paints an accurate picture of the typical everyday workload of a career consul. Dealing with such a wide range of disparate and complex topics requires consuls to have an excellent grasp of their country's bureaucratic machinery since the topics are the administrative responsibility of various government departments and ministries in addition to their own. For example, the consuls act as overseas representatives of their country's ministries of home (interior) affairs, trade, commerce, industry, tourism, transport, social security, justice, and education. Consular work is not a profession for narrow specialists. An additional factor, often overlooked, is that they are working in what, to most of them, is a foreign language—that of the receiving state.

The discovery of the consular loophole created by ships flying flags of convenience is an important one that has not been noted elsewhere by the researcher. It is an area which merits further research, particularly in view of the increasing trend towards this type of registration, a trend which can have serious safety ramifications for both passengers and crews on these vessels.

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<sup>1</sup> In addition to their own consular duties, many consuls general are responsible for superintending their country's honorary consuls in the UK. A few also do so for honorary consuls located elsewhere; for example, Belize, The Gambia, and Trinidad and Tobago have honorary consuls in other parts of Europe who report to the London embassies.

<sup>2</sup> Report of the Committee on Representational Services Overseas appointed by The Prime Minister under the Chairmanship of Lord Plowden 1962-63, Cmnd. 2276, Miscellaneous No. 5 (1964), London, HMSO, 1964, paras. 281 and 283 respectively.

<sup>3</sup> The question of whether the VCCR should enumerate consular functions in Article 5 or simply give a general definition exercised both the International Law Commission (ILC), which drew up the draft Convention, and the UN Conference in Vienna in 1963 which debated, amended, and approved the final Convention. The article gave the ILC more work than any other. The majority of governments which sent comments on the ILC's draft preferred a general definition. The Indian representative at the Conference, Mr Krishna Rao, said: 'It was, in fact, difficult to enumerate consular functions exhaustively, since they were defined by international law, national laws and consular instructions.' However, in the end, the Conference decided against a general definition. *United Nations Conference on Consular Relations, Vienna, 4 March-22 April 1963*, Official Records, Vol. II, Documents A/CONF.25/16/Add.1, A/CONF.25/6, p.7, para. 4; Vol. I, First Committee, Eighth meeting, 11 March 1963, p.131, para. 4; First Committee, Seventh meeting, 8 March 1963, p.127, para. 30. Also, as mentioned in Chapter 11, the recognition that enumerated consular functions are not regarded as exhaustive is generally repeated in bilateral consular conventions.

<sup>4</sup> The Consular Section of the US Embassy, London issues more than 25,000 passports annually. Philip Lader, US Ambassador, giving the Ambassador Anthony J Drexel Biddle Lecture, '*Embassy.com?: Technology, Business & the new New Diplomacy*', Duke University, 11 October 2000. [online] Available from: <http://www.usembassy.org.uk/ukamb22.html> [accessed 6 April 2001]

<sup>5</sup> In 1999, the Consular Section of the US Embassy in London dealt with 166,000 non-immigrant visa applications from individuals representing 185 nationalities. In addition, the Embassy's Immigration and Naturalization Service (INS) processed 7,000 non-immigrant traveller visas for business people, students and tourists. [Ibid.]

<sup>6</sup> There were, however, a few consulates that were not based in ports; for example, Bradford, Elgin, Leeds, Peterborough, and Sheffield. Even in 2003, there continued to be consulates (honorary) in Leeds and Sheffield.

<sup>7</sup> 'Changing patterns of world seaborne trade have shifted the geographical focus of growth towards different trading routes, in particular those to, from and within the Far East.' *British Shipping: Charting a New Course*, London, Department of the Environment, Transport and the Regions, 16 December 1998. [online] Available from: <http://www.shipping.dtlr.gov.uk/cnc/> [accessed 18 August 2001]

<sup>8</sup> '...the trend for ships to get larger is probably the most important factor facing the ports industry. Few ships of any type below 3,000 dwt [dead weight tons] have been built since 1990 and this will impact on the small ports around the world. In all market sectors the growth in capacity is fuelled as much by bigger ships replacing small ships.' *Flags of Convenience Campaign Report 2000*, London, International Transport Workers Federation (ITF), September 2001, p.51.

<sup>9</sup> Twenty-nine countries have been declared Flag of Convenience Countries (FOC) by the International Transport Workers Federation (ITF). *Ibid.*, p.58.

<sup>10</sup> A Memorandum of Understanding (MOU) is 'a form frequently used to record informal arrangements between States on matters which are inappropriate for inclusion in treaties or where the form is more convenient than a treaty (e.g. for confidentiality). [It] may be drawn up as a single document using non-treaty terms, signed on behalf of two or more Governments, or consist of an exchange of notes or letters recording an understanding reached between two Governments.' *Treaties and MOUs: Guidance on Practice and Procedures*, Second Edition, June 2000. London, FCO, Treaty Section, Records & Historical Department, p.26.

<sup>11</sup> Compiled from *The Paris Memorandum on Port State Control, Annual Report 2000*, Paris MOU Secretariat, The Hague, pp.5, 13, and Annex 1.

<sup>12</sup> The Minister Counsellor for Consular Affairs at the US Embassy in London omitted to give details of this function in his response. However, the Ambassador revealed in October 2000 that each year the London consular staff register approximately 3600 births and, on average, respond to the deaths of 400 American citizens. Philip Lader, US Ambassador, giving the Ambassador Anthony J Drexel Biddle Lecture. *Op. cit.*

<sup>13</sup> In carrying out the notarial aspects of their functions, consuls can trace their historical antecedents to notaries public, who were 'privileged clerks to whom the pope or emperor had granted power to issue anywhere in the world (*ubique terram*) instruments known as "public instruments", endowed with universal authenticity.' Pierre Chaplais, *Essays in Medieval Diplomacy and Administration, Master John de Branketre and the Office of Notary in Chancery, 1355-1375*, London, The Hambledon Press, 1981, p.XXII 169.

<sup>14</sup> Philip Lader, *op. cit.* Also, the amount of money disbursed has almost doubled in ten years. In 1990, the comparable figure was \$82.2 million: 'in 1990 the American Citizen Services Branch of the US Embassy in London handled 92897 federal benefits cheques to the value of 35.2 million dollars, and 124786 direct deposits to the value of 47 million dollars.' Letter dated 5 April 1991 (and enclosures) to me from Marilyn R Povenmire, Consul, Passport & Citizenship Unit, US Embassy, London.

<sup>15</sup> See, for example, Convention between the United States of America and the United Kingdom of Great Britain and Northern Ireland relating to Consular Officers, 6 June 1951, United Nations, *Treaty Series*, Vol.165, p.121, Part VII Estates and Transfers of Property, Articles 18-19. See also, Consular Convention between His Majesty in respect of the United Kingdom of Great Britain and Northern Ireland and the President of the French Republic, 31 December 1951, United Nations *Treaty Series*, Vol.330, p.145, Part VI Estates and Transfers of Property, Articles 29-37, and Consular Convention between the United Kingdom of Great Britain and Northern Ireland and the Arab Republic of Egypt, 23 April 1985, Article 19. Cmnd. 9603.

<sup>16</sup> One of the more unusual functions undertaken by the US consulate general in Edinburgh was assisting in the return to the Sioux tribe in South Dakota of a ghost shirt given to Glasgow by a member of Buffalo Bill's 'Wild West Show' in 1891. Philip Lader, US Ambassador, *op. cit.*

## CHAPTER 15

### SURVEY OF CONSULAR REPRESENTATION IN THE UNITED KINGDOM

#### HONORARY AND CAREER CONSULS: VIEWS AND OPINIONS

##### *Introduction*

As well as providing factual information about themselves and their work, all consuls were asked for their views and opinions on a number of topics. These included perceptions of the travelling public about consular work, questions on the role of consuls, scope for privatisation, effectiveness of the VCCR, the impact of devolved government in Scotland and Wales, and the future need for honorary consulates.

##### *Views of consuls on consulates, consuls, and public perceptions*

For the first of these topics, a number of statements were put to the consuls, with which they were asked to agree or disagree (Table 18).

**Table 18**  
**Consuls' views on consulates, consuls, and public perceptions (%)**

Statement	Agree			Disagree		
	Career	Honorary	All	Career	Honorary	All
Consuls have greater opportunities than diplomats to make contact with local authorities, organisations, and nationals of the receiving state	44	73	67	37	16	21
Consulates provide an efficient and cost-effective means of gathering and disseminating information	65	83	79	20	6	9
With the rapidly increasing spread and use of information technology, there is no longer a need for consulates	2	7	6	83	84	84
When travelling in a foreign country, people expect their country to have a consulate there	80	84	83	7	9	9
People who experience difficulties when travelling abroad are generally surprised at the relatively limited extent of assistance that can be given to them by their consulates	44	47	47	41	44	44

The differences between the combined percentages for 'All' and 100% in this table are the percentages of consuls who responded 'Don't know'. It is difficult to understand why consuls would fail to express a view on these statements as they are inextricably related to their daily duties. The purpose of the first statement is to elicit views on the proposition that, within embassies, the consular staff are more likely than their non-consular colleagues to be able to make contact with the broad local populace of the country. This is despite the fact that in most countries unified diplomatic services have replaced the former separate consular services and diplomatic services and that, as a result, career consular staff are usually regarded as diplomats. However, there is no doubt that because of the nature of their duties, designated career consular staff in the embassies work more at the popular local level than their non-consular colleagues. This is markedly the case for those career consuls who report to the ambassador but are based in consulates general outwith London. All of their work involves dealing and meeting with people at a local level, whether in government, public bodies, associations, universities, schools, and organisations, as well as with members of the general public who call on their services. These consuls have their fingers on the pulse of the socio-economic life of the country beyond the capital. It is not surprising, therefore, that more than two-thirds of the consuls who responded (sixty-seven percent), both career and honorary, agreed with the first statement, with only twenty-one percent disagreeing. Significantly, more than a third of those who disagreed (thirty-seven percent) were career consuls.

The second statement is based on the proposition that regional-based consulates, both career and honorary, provide an efficient and cost-effective means for countries to both gather information about the UK and disseminate information about their countries. In the former role, consulates—particularly career ones—make excellent listening posts. It would be difficult to disagree with the statement, and only a small percentage of all consuls (nine percent) did so. A considerable majority of all consuls (seventy-nine percent) agreed with it. Almost two-thirds (sixty-five percent) of those agreeing were career consuls and eighty-three percent were honorary. Twenty percent of career consuls, as opposed to only six percent of honorary consuls, disagreed. The latter two figures are relatively low and closer analysis of the data, particularly their demographic spread, fails to provide a conclusive or satisfactory explanation for them.

However, an examination of consuls' age ranges may provide a possible clue. More than half (fifty-seven percent) of those who disagreed with the statement were born after the Second World War and, as a generation, have had greater exposure to a society in which the efficiency of every organisation is openly questioned and critically examined. Therefore, they are perhaps readier than their older colleagues to adopt a critical or even cynical approach to long-established institutions and to challenge whether long-held values should remain unchanged. By contrast, more than half (fifty-two percent) of the consuls who *agreed* with the proposition were born before or during the War and, as a generation, are relatively unaccustomed and therefore less inclined to questioning openly the efficiency and cost-effectiveness of such institutions. It is noticeable, too, that all the women who disagreed were born after the War and therefore, again as a generation and particularly because of the changed role of women in society, are perhaps more likely to take an openly critical stance than their older colleagues. It would be interesting to follow this up in a future study and to investigate why, for example, career consuls feel that consulates are neither an efficient nor a cost-effective means of undertaking this particular duty. What would they substitute which would be more efficient and cost-effective?

The third statement postulates the premise that the increasing spread and use of information and communications technology (ICT) removes the need to have consulates. By extension, this also questions the need to have consuls. It was to be expected, therefore, that there would be a high level of disagreement on this. Indeed, within all the categories for this part of the Survey it attracted the highest percentages of views: eighty-four percent of all consuls disagreed with the notion, of whom eighty-three percent were career consuls and eighty-four percent honorary consuls. Only six percent of all consuls agreed, of whom two percent were career and seven percent were honorary. The researcher shares the view of the majority, for the following reason. It is undeniable that there have been great advances in information technology in the last decade or so, for example by means of fax facilities, e-mail, mobile phones, the Internet, personal computers, laptop computers, electronic notebooks, palm pilots, and such like. These have made it easier for people to communicate not only with one another but also with what might be called 'the authorities', both nationally and internationally. Information is freely and widely available twenty-four hours a day on the websites of organisations, government departments, etc., and these can supply much information of

the type that can be found in consulates. For example, the websites of most foreign ministries and their embassies contain advice to travellers about topics such as passports, visas, the risks that may be encountered in visiting specific countries, health information (vaccinations, diseases, etc), tourist information, what to do in the event of illness, death, theft, assault, arrest, how to get assistance from consulates and the nature of the assistance that may be given by them. However, no matter how sophisticated information technology may become, it can neither provide nor replace the human dimension: face-to-face or telephone contact with a consul who can give impartial advice, can assist individuals and liaise with local and national authorities and organisations on their behalf, undertake hospital or prison visits, and who is familiar with local laws, customs, and regulations.<sup>1</sup> This feature alone should ensure the future of consulates. Information technology should be regarded as a useful tool of consular representation, not as a substitute for it.

The fourth statement relates to the consular expectations of people travelling abroad. Eighty-three percent of all consuls agreed that when visiting a foreign country, the travelling public expect their own country to have a consulate based there. This view was held by eighty percent of career consuls, and by eighty-four percent of honorary consuls—for both groups it was their highest recorded ‘Agree’ response. Only nine percent of all consuls disagreed. Of course, although this was perceived as the travelling public’s expectation, it does not reflect the actual level of provision of consulates. Countries may have only one consulate, a small number of consulates, or none at all. In the latter case, it is fairly common for arrangements to be made for a third country to provide consular services to the citizens of a second country; for example, Australia and Canada have reciprocal consular arrangements for their nationals as do the Scandinavian countries (Denmark, Finland, Norway, Sweden). Also, citizens of EU Member States who find that their country has no consulate may avail themselves of the services of the consulate of any other Member State. A similar arrangement exists for nationals of Commonwealth countries; they may, if necessary, use the consular services of another Commonwealth country if their own does not have a post in the country in which they require assistance.

The final statement seeks to confirm anecdotal evidence that people are often disappointed at the limited level of consular assistance that they may receive. The

responses on this were of a lower percentage level than had been anticipated, with only forty-seven percent of all consuls agreeing with the statement. Of these, forty-four percent were career consuls and forty-seven percent were honorary consuls. The percentages of those disagreeing were broadly similar, with forty-four percent of all consuls, forty-one percent of career consuls, and forty-four percent of honorary consuls. As the percentages agreeing and disagreeing are almost equally divided it suggests that they might be a true reflection of the actual situation. Anecdotal evidence is probably too heavily weighted in favour of criticism and shortcomings. For example, in most areas of activity, people tend to write to newspapers complaining of poor service rather than praising good service. All too often it is the isolated failures that make the headlines, not the many successes.

### *Scope for privatisation*

All consuls were asked whether they thought any consular functions could be privatised and, if so, to specify which ones (Table 19).

**Table 19**  
**Consuls' suggestions on functions that could be privatised**

Function	% of functions suggested	
	Honorary Consuls	Career Consuls
Child custody	0	9
Driving licences	6	0
Education & Cultural	0	18
Interpreting	0	9
IT-related functions	6	9
Notarial	12	27
Passport & Visas	25	36
Pensions	6	0
Tourism	12	36
Trade/Commerce	25	9
Miscellaneous	6	18

The Survey showed that both honorary and career consuls gave the possibility of introducing privatisation a very low priority. Only twelve percent of all the consulates participating thought there was scope for privatising some aspects of consular work. Of these, seven percent were honorary consulates, representing nine percent of all the participating honorary consulates and composed mainly of EU countries. Five percent



were career consulates, representing twenty percent of all the participating career consulates and comprising only one EU country.

The figures in Table 19 should be interpreted with caution because of the very small number of consuls who offered suggestions for privatisation. The percentages shown are based on the number of examples that each offered. It is therefore difficult to make any significant extrapolations from them. Nevertheless, a few points may be noted. Firstly, the lack of enthusiasm manifested by the low positive response rate to this question was not unexpected. After all, it goes to the heart of the existence of and the need for consuls and consulates. A high 'Yes' response rate would have left consuls open to the argument that they and their functions could easily be dispensed with. There is, therefore, arguably a defensive element built in to the response levels. Two honorary consuls made the point that most consular functions could be privatised; however, they added, the question was whether this would provide a good service. Also, it was argued that privatisation would be 'almost certain to cost considerably more.' This is undoubtedly true, since if privatisation were introduced and continued to be undertaken by honorary consuls it is likely that they would seek a share of the increased revenue; in most cases this would mean paying those who, under the present arrangements, receive no payment, and increasing the amounts to those who do receive payments. It is of course theoretically possible that privatised functions could be undertaken by non-consular individuals or companies, but in the researcher's opinion the amount of potential business this would generate would be fairly minimal and unlikely to attract the interest of commercial enterprises. However, in the highly unlikely event of commercial enterprises assuming some of the consular functions they would undoubtedly charge fees at a much higher level than at present.

Trade and Commerce featured low in career consuls' suggestions, possibly because they are more aware than honorary consuls of the existence of specialised staff (e.g., trade and commercial counsellors and attachés) who operate from the embassies and who are more involved in and better qualified for this aspect of work than they.

Privatisation of 'Passports and Visas' functions was the most popular choice of honorary and career consuls (twenty-five percent and thirty-six percent respectively). However, their suggestions were made before the tragic events of 11 September 2001 in

New York, Washington DC, and Pennsylvania.<sup>2</sup> As a consequence of these events, security has been tightened up considerably throughout the world, notably in the need for states to keep track of the entry of foreign nationals to their territories and of their whereabouts within these territories. Passports and visas are such an integral feature of this tracking that it is highly unlikely that any state would wish to hand over any aspect of this function to the private sector. None of the honorary consuls suggested child custody, education and cultural matters, and interpreting, possibly indicating an awareness that these areas require specialised skills and knowledge that are not generally available in honorary consulates. The miscellaneous category comprised single items, such as advising on the local legal system, and ‘arrangement of lodging and transportation’.

### *Effectiveness of the Vienna Convention on Consular Relations*

The question posed was: ‘As you know, consular relations throughout the world are governed by the Vienna Convention on Consular Relations 1963 and by bilateral consular conventions. Do you think that the Convention generally works well and fully meets the needs of the 21<sup>st</sup> Century? If not, please suggest how the Convention could be improved.’ Seventy-two percent of the consuls felt that the VCCR continued to be effective. Of these, seventy-two percent were honorary consuls and twenty-eight percent were career consuls. Of the twenty-eight percent who said the Convention no longer fully meets the present needs, eighty-nine percent were honorary consuls and eleven percent were career consuls.

The fact that dissatisfaction with the Convention is so much greater among honorary consuls than career consuls is not surprising. Several of the honorary consuls were concerned about the status and the degree of privileges and immunities accorded them by the Convention in comparison with career consuls. This view was also expressed to the researcher during the course of telephone conversations with other honorary consuls. The question of privileges and immunities is dealt with in Chapter 4. One honorary consul felt that honorary consuls are given a second class status and should have the same rights as career consuls. The FCO’s attitude to honorary consuls in this country was criticised and described as ‘Victorian and does not acknowledge them as “diplomats”’. Other honorary consuls remarked that times have changed and so have the functions of honorary consuls, that the Convention needs updating as it is

already 37 years old (at the time of the Survey), and that there should be provision for regular reviews.<sup>3</sup> Another mentioned that the Convention works generally well in the UK but 'has inadequacies in other countries with different political and military regimes'. Several said that they had no experience of the Convention and were unable to express a view. One said specifically that he had never heard of the Convention until it was mentioned in the questionnaire. This is probably true of a number of honorary consuls.

Just as the high positive response to this question by honorary consuls was not surprising, so too was the low negative response from career consuls unsurprising. The latter are full-time diplomats and members of their countries' foreign service. As such, their status in the consular world is considerably higher than that of honorary consuls and they are entitled to greater privileges and immunities. The question of status, which exercises some honorary consuls, is not therefore an issue with them. Although seven career consuls felt that the Convention no longer fully meets the needs of the 21<sup>st</sup> Century, only three of them offered suggestions for its improvement—none of which could be described as particularly constructive or useful. The first said he would need to study the Convention carefully to answer this point, the second said that although the Convention is 'generally a good thing, [it is] open to abuse—corrupt officials and practices can hide behind immunity', and the third said, enigmatically, 'In some cases "Yes" in some "No".' She was unwilling to elaborate on this when the researcher contacted her about it.

### *The impact of devolved government in Scotland and Wales*

Consuls were asked whether the introduction of devolved government in Scotland and Wales had had any effect on the consular representation of the country that they represented. Northern Ireland was omitted from this question since at the time of the Survey the Northern Ireland Assembly and its power-sharing Executive were not fully operational. Indeed, during the writing of this thesis it was suspended on a number of occasions.

When the Labour Government was returned to power in the General Election in 1997 it implemented its election manifesto promise to decentralise political power throughout the UK. Following the outcome of referenda held in September of that year,

legislation was enacted to establish a Scottish Parliament, a Welsh National Assembly, and a Northern Ireland Assembly.<sup>4</sup> These were set up in 1999. The Scottish Parliament and the Scottish Executive (the devolved government for Scotland) are responsible for areas such as health, education, home affairs, agriculture, law, environment, fisheries, the arts, sport, economic development, housing, and rural affairs. Areas reserved to the UK Parliament and government include the constitution, defence, foreign affairs, national security, immigration and nationality, social security, taxation and fiscal policy. This is true also for the Northern Ireland Assembly and the Welsh Assembly. The Scottish Parliament and the Northern Ireland Assembly have full legislative authority for their devolved areas. However, the Welsh Assembly has lesser powers and responsibilities, largely to reflect its different historical background and political relationship with England. The UK Parliament retains control of primary legislative powers in all subject areas for Wales, with the Welsh Assembly having responsibility for secondary legislative powers.<sup>5</sup>

Of the three areas of the UK that now have devolved governments, Scotland is the only one that has been a separate nation with its own monarch and parliament, which continues to have separate and distinctive legal, justice, and educational systems, and which has enjoyed a long history of administrative devolution since the creation of the Scottish Office in 1886. Against this background, therefore, it could reasonably be expected that from a political and consular point of view a 'devolved Scotland' would be more likely to attract the greater interest of foreign countries. This view was reflected in the responses of the consuls. Traditionally, Edinburgh, the location of the Scottish Parliament, has been accustomed to a large consular presence, but by the time of the Survey it was clear that a number of additional ones had been established as a direct response to devolution. The total number in the city at the time of the Survey was forty-one consulates, of which twelve were career and twenty-nine were honorary.<sup>6</sup> These figures are unmatched elsewhere in the UK.<sup>7</sup> In a unique departure from the customary reason for establishing a consulate, Libya opened a consulate in Glasgow in July 2002, its first and only one in the UK. Known as The People's Bureau of the Great Socialist People's Libyan Arab Jamahiriya it exists almost exclusively to meet the consular needs of Abdelbaset Ali Mohamed al Megrahi, who was convicted of the murder of 270 people by causing a Pan Am aircraft to blow up over Lockerbie in December 1998. He is serving his sentence in Barlinnie Prison, Glasgow.<sup>8</sup>

In 2000 and 2001, the House of Commons Select Committee on Welsh Affairs examined the question of how Wales is represented abroad by the UK Government. As part of this, it considered the level of diplomatic representation in Wales following devolution. Only one consulate general is based in Wales, that of Ireland which was opened in 1999. In November 2000, the United States opened a Welsh Affairs Office in Cardiff, staffed on a part-time basis by a junior diplomat (described as a Welsh Affairs Officer) who is based in the embassy in London. Both posts were created as a response to devolution. The Committee wrote to the embassies of some of the countries which have consulates general (i.e. career posts) in Edinburgh and Belfast<sup>9</sup> and sought reasons why their governments had not established consulates general in Cardiff. In their replies, the ambassadors cited reasons such as financial constraints, levels of economic interests, the numbers of their nationals living in Wales, and general satisfaction that their countries' interests were being fully met by their honorary consulates in the country. None was able to give an assurance that their countries intended to open a consulate general, although the Italian Ambassador said that he would personally recommend the upgrading of the honorary vice consulate in Cardiff to a career post.<sup>10</sup>

In the Survey, fifteen percent of the consuls who responded, both career and honorary, said that devolution had had an effect on their country's consular representation. Of these, forty-four percent were career consuls and fifty-six percent were honorary consuls. New consulates general were opened in Edinburgh by China, Ireland, and Russia, and the German and Indian consulates general in Manchester and Glasgow, respectively, were closed and their responsibilities transferred to Edinburgh. The Chinese Government's existing commitment to Scotland was reinforced when, following a visit to Edinburgh by the then Vice President Hu Jintao in October and November 2001, it announced an investment of more than £4 million on a new, purpose-built consulate general in Edinburgh.<sup>11</sup> In Cardiff, as mentioned above, Ireland opened a consulate general and the United States opened a Welsh Affairs Office,<sup>12</sup> and honorary consulates were opened by Canada and Japan (the latter country's only honorary one in the UK). Canada opened an honorary consulate in Belfast. In Edinburgh, Canada was considering upgrading its existing honorary consulate and deploying a career consul; Sweden upgraded its honorary consulate to an honorary consulate general, and new honorary consulates were opened by Brazil (also in

Aberdeen), the Czech Republic, Kyrgyzstan, Lithuania, and Mongolia; Estonia, Latvia and Slovenia were also considering opening honorary consulates there. Other countries subsequently opened consulates in Edinburgh in addition to those mentioned; numbers are given in Chapter 6.

Consuls gave a variety of comments about their countries' increased post-devolution interest. These included:

'Political observation since Scottish Devolution has noticeably increased.'

'Political work has been added to our responsibilities.'

'I work harder! We get more VIP visits and there is more interest from Washington, hence more reporting.'

'More official visitors.'

'More issues hitherto used to be dealt with in London.'

'The main reasons for the establishment of an honorary consulate in Edinburgh were the same [as for establishing one anywhere] but the new extent of Scotland's autonomy added some weight to the relevant arguments.'

'It [devolution] has made the consulate more important and busier.'

'Increased contact with a new level of regional government.'

'The Ambassador is keen on developing links with the Welsh National Assembly.'

'More representation at official events [is] required; greater awareness of consular post.'

'The "Auld Alliance" [between France and Scotland] is strengthened.'

'The Scottish Parliament is an important locus that has to be served by a foreign mission.'

It is interesting that several consuls have mentioned that as a result of devolution they are now undertaking political work. Traditionally, the main function of consuls is to protect the interests of the nationals whom they represent. Political work, as a rule, is undertaken by embassy staff in the capital. Although no consul commented on it, devolution has given career consuls working in Scotland, Wales, and Northern Ireland the opportunity to extend the range of their skills. This may influence the selection of future candidates for these posts. There is no doubt that devolution of government has

acted as a catalyst for increased consular activity and interest. It has also halted the gradual erosion in the number of consulates, both career and honorary.

### *Future need for honorary consulates*

All the consuls were asked to express their views on the future need for honorary consulates (see Table 20).

	Career			Honorary			All consuls		
	M	F	All	M	F	All	M	F	All
Remain the same	23	20	22	35	20	34	33	21	31
Increase	49	54	50	29	53	31	33	55	35
Diminish	13	13	13	30	20	29	26	17	25
No view	15	13	15	5	7	6	7	7	8
Don't know	0	0	0	1	0	0	1	0	1

The majority (thirty-five percent) thought that the need would increase; this was followed closely by thirty-one percent who thought there would be no change. Only twenty-five percent thought the need would diminish. Career consuls were significantly more optimistic about an increase (fifty percent) than honorary consuls (thirty-one percent) and less pessimistic than them about a decrease. This seems a surprising view by the career consuls, since increases in the number of honorary consulates would probably be as a consequence of the closure of career consulates general as governments sought to save costs. This, in turn, would reduce the opportunities for career staff. However, more career consuls (fifteen percent) than honorary consuls (six percent) were reluctant to commit themselves to a view on this question. Within the figures there is also a gender perspective. More than half of all female consuls (fifty-three percent) suggested that there would be an increase in the number of honorary consulates, whereas only a third of all male consuls (thirty-three percent) did so. The balance was reversed for the other categories, with male consuls exceeding female consuls in suggesting that the number of honorary consulates would either remain the same or diminish.

### *Conclusion*

Just as the overall Consular Survey is unique so too is the canvassing of consuls' views and opinions on matters concerned with their day to day duties. This chapter has compared and contrasted the views and opinions of both career and honorary consuls on matters that are of common interest. There is no need to rehearse all the points that have already been made. As well as predictable responses, the findings reveal a few surprises the chief of which were:

- (a) The percentages of career and honorary consuls who felt that some aspects of consular work could be privatised were very low—five percent and seven percent respectively. Given that the overwhelming majority of honorary consuls work in the private sector it might have been expected that they would have been more enthusiastic about privatisation. However, as it is not their main occupation, they probably do not regard consular work as a business and therefore do not seek to impose rigorous business principles on it.
- (b) Although honorary consuls are more critical than career consuls of the effectiveness of the VCCR, the researcher feels that based on many of the questionnaire responses and his telephone conversations with a number of consuls most honorary consuls have neither seen the VCCR nor even been aware of its existence. This is not a criticism. The VCCR is not readily available unless through a good reference library. The Stationery Office has informed the researcher that it is out of print, although photocopies may be requested. The VCCR can be downloaded via the UN Treaty Office in New York, but how many consuls would go to the trouble of doing so and indeed why should they? Although in a sense the VCCR is not necessary for their day to day activities it would give them a much broader insight into the internationally agreed basic and minimum standards that they should follow. Consideration should be given by governments to issuing all new honorary consuls in this country with a copy. A reprint could be arranged and the FCO, on a fee basis, could send it new honorary consuls along with their exequatur. Career consuls should be able to obtain a copy of the VCCR in their embassy library.



- (c) It is clear that devolution of government has had a significant impact on the extent of consular representation and on the workloads of a number of consuls. The most surprising aspect, although strictly speaking it did not emerge directly from the Survey, is the Chinese Government's decision in 2001 to spend more than £4m on building a new consulate general in Edinburgh after only four years in the city. Its premises are larger than some embassies.

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<sup>1</sup> One honorary consul, a software developer, might have been expected to be strongly in favour of ICT. However he disagreed that ICT would mean the demise of consulates: 'Most of what I do tends to require face to face "interfacing". Completing a passport application requires the applicant to be physically present so that I can ascertain their identity... . The administration of the functions will become more automated, but this should free up more time for personal interaction rather than reduce it.'

<sup>2</sup> Even before the events of 11 September 2001, Mary Ryan, US Assistant Secretary of State for Consular Affairs, speaking in 1996 said, prophetically: 'In times past, Consular Affairs was viewed as a provider of passports and consular services. Now Consular Affairs and consular work are regarded as being key to US national security. It's no secret that this shift in attitude was produced by a single tragic event, the World Trade Center bombing in February 1993. That terrorist act revealed fundamental weaknesses in our border security system ... .' *Future Consular Challenges: New Demands and a New Agenda*, Address by Assistant Secretary of State for Consular Affairs Mary Ryan to AFSA [American Foreign Service Association] Friday Forum, December 6, 1996. [online] Available from: <http://www.afsa.org/diplmcy/futurechallenges.html> [accessed 29 January 2001]

<sup>3</sup> In an ideal world, regular reviews would be desirable. However, all UN Member States would need to be consulted. Detailed study by the researcher of the Vienna Conference's protracted proceedings suggests that regular reviews would be difficult to achieve.

<sup>4</sup> The relevant legislation is The Scotland Act 1998 (1998 Chapter 46), The Government of Wales Act 1998 (1998 Chapter 38), and The Northern Ireland Act 1998 (1998 Chapter 47).

<sup>5</sup> Legislation emanating from The Scottish Parliament and The Northern Ireland Assembly is in the form of Acts; that of the Welsh Assembly is in the form of Statutory Instruments.

<sup>6</sup> Letter dated 31 October 2000 to me from Ian H Corbett, Hon Secretary (later Dean), The Consular Corps in Edinburgh and Leith and Consul (later Consul General) of the Philippines. The Taipei Representative Office in the UK has an office in Edinburgh which is responsible for quasi-consular oversight of Taiwanese trade and other interests and the needs of Taiwanese students attending universities and colleges. It is located in the same street as several consulates general but, as the UK does not have diplomatic or consular relations with Taiwan, it is not regarded as a consulate and is not a member of The Consular Corps in Edinburgh and Leith. The UK maintains a similar presence in Taiwan under the name of the British Trade and Cultural Office, staffed by members of the Diplomatic Service. These bilateral arrangements are a political expediency, designed to appease the People's Republic of China and the 'one China' policy.

<sup>7</sup> The number of consulates has increased since the time of the Survey, and in August 2003 had risen to forty-eight.

<sup>8</sup> The Scotsman and [Glasgow] Herald newspapers, 19 July 2002.

<sup>9</sup> There is only one consulate general in Northern Ireland, that of the United States in Belfast.

<sup>10</sup> Great Britain, House of Commons Select Committee on Welsh Affairs, Session 2000-01, First Report, *Wales in the World: the Role of the UK Government in Promoting Wales Abroad*, 20 March 2001, HC 38, paras.67-68, and Appendix 30.

<sup>11</sup> *The Scotsman*, '£4m oriental boost for Scotland', 11 December 2001. Hu Jintao was elected President in March 2003, *The Sunday Times*, 16 March 2003, p.27.

<sup>12</sup> The Welsh Affairs Office is unable to provide information about visas or consular services. Enquirers are directed to the Embassy. London, US Embassy. [online] Available from: <http://www.usembassy.org.uk/ukadres.html#cardiff> [accessed 28 January 2002]

## CHAPTER 16

### SURVEY OF CONSULAR REPRESENTATION IN THE UNITED KINGDOM

#### CONCLUSION

The Consular Survey has provided a snapshot of the socio-economic background of consuls and the nature and rhythm of their duties at a particular moment in time: the beginning of the new millennium. Anything as definite or final as a conclusion to the Survey seems premature since further research may stem from its findings. Yet it may be appropriate to reflect on some of the more important themes that have emerged.

The overall picture is of an institution that has withstood the test of time remarkably well during the centuries since it first appeared. While it is reasonably well-known to travellers and others for its presence abroad it is an institution that is little-known to the public at home, and many in this country are unaware of the large, extensive and thriving network of foreign consulates that exists throughout the UK. Some may regard the institution as an anachronism, pointing out that not all people who fall ill, or have other difficulties while they are visiting a foreign country turn to their consuls for assistance, nor are they obliged to do so.<sup>1</sup> People are more likely, at least in the first instance, to turn to the agencies of a modern welfare state, for example, hospitals, police, and social services.<sup>2</sup> Therefore, it might be argued, of what value are consulates? However, this overlooks the other important functions of a consulate. The Survey has highlighted the multi-faceted functions of consuls and has shown that their duties extend considerably beyond assisting travellers in distress. A consul combines the roles of, *inter alia*, lawyer, customs officer, social worker, shipping and trade expert, and counsellor; added to this, in the case of honorary consuls, is the experience and contacts they bring from their main occupations. Consuls can also directly activate the authorities of the country they represent. Moreover, although unquantifiable, the advantage of having access to a consulate of one's own country should not be underestimated. Particularly in time of need, the familiar is comforting.

From the evidence presented in the Survey, there can be little doubt that honorary consulates provide governments with an exceptionally cost-effective means of overseas representation. As has been shown, there are no salary, pension, or accommodation costs (either for the office or the consul's residence), and in many cases no payment whatsoever for any other costs. Even for countries which pay a modest retainer to their consuls and/or contribute towards some running costs it is still a much cheaper alternative to having a full-time consul general and support staff, with all the attendant salary, superannuation, accommodation (office and residence), and other running costs. In 2000, the Australian Department of Foreign Affairs and Trade stated that its honorary consuls represent value for money in delivering consular services, and it put the average annual cost per consul at \$7,500.<sup>3</sup> At a time when many countries are looking to reduce the costs of their overseas representation and closing down their full-time consulates general, the replacement of these by inexpensive and cost-effective honorary consulates is an option that should be seriously considered.<sup>4</sup> It would also enable countries to establish wider and more extensively located consular posts and could be particularly attractive to developing countries. A cautionary note should be sounded, however: it has been mentioned to me during this study that some honorary consuls are considering resigning or not renewing their appointments because the financial assistance they receive is failing to keep pace with their increasing workload. Countries should be careful to avoid forfeiting the goodwill of their honorary consuls through lack of a relatively modest increase in funding.

It was interesting to note that, unusually, two of the honorary consuls had previously been British ambassadors to the countries they now represent. The Survey has also shown that consuls general (most of whom nowadays are classed as diplomats) can and do advance to the upper echelons of their country's diplomatic service—which, traditionally, was not always the case. Among the consuls general taking part in the Survey several had previously held ambassadorial posts. Their appointments had been to China, Ethiopia, Geneva (ambassadorial rank at Disarmament Conference), North Korea, Rwanda, Slovenia, and Qatar. Shortly after the Survey, two of the consuls general were appointed ambassadors: to Bahrain, and to Malaysia, Thailand, Laos, and Vietnam.

Gender in itself is not a problem in holding consular appointments, either career or honorary. However, problems arise for those female career consuls who take short breaks on the birth of their children since these interruptions in service have consequent effects on career progression. In the case of female honorary consuls it is likely that their small (though increasing) numbers are due not to factors in the consular world but to factors within their main business and professional occupations. It is difficult to see how either of these situations could be remedied satisfactorily. Positive discrimination would be difficult to introduce, would be unwelcome by many, and could lead to resentment, even among other women.

Devolution of government in Scotland and Wales is undoubtedly the single most important event to affect consular representation in many years. As has been shown in Part II, the number of consulates, both career and honorary, has been declining steadily over the years. In 1965, the last date on which published figures are available, there were over six hundred consulates, both career and honorary, in the UK.<sup>5</sup> At the time of the Survey, the comparable figure was just over four hundred. Devolution has created a demand for additional consulates, both career and honorary.

Chapter 9, dealing with the methodology of the Survey, revealed the unsatisfactory state of the FCO's consular record-keeping. It is bad enough to fall behind with individual appointments but it is unacceptable to be unaware of the existence of some consulates. The FCO really must take steps to address this long-standing problem. Although not touched upon by the present study, it is highly likely that the problem also exists in relation to records of staff in the diplomatic missions. It is not difficult to create a simple *ad hoc* database to keep track of consulates and their staffs, both career and honorary, which could be maintained by a junior official. Also, the FCO should remind diplomatic missions that the requirement to notify all changes is not simply a bureaucratic one for the FCO's administrative convenience but is laid down in the VCCR (Article 24). Constant staff changeovers both in the FCO and the missions, with the consequent lack of continuity of experience in the subject, is probably the major reason for the inadequacy of whatever system currently exists. It is not, however, an excuse.

During the course of the Survey, and indeed of the entire study, the difficulty of obtaining information about consuls, their consulates and locations was a constant feature. This could be overcome, I suggest, by the publication of an official UK Consular List. As has been mentioned, even the FCO provided me with information that was both inaccurate and incomplete and I had occasionally to draw attention to the existence or closures of consulates. Between 1852 and 1965 the Foreign Office was responsible for producing the annual Foreign Office List and Diplomatic and Consular Year Book, via a firm of printers named Harrison. This gave information about the FO Departments in London and British embassies and consulates abroad; it also included (sometimes lengthy) biographical details of staff. However, more importantly from the point of view of this study, it also gave details and locations of all consulates, both career and honorary, throughout the UK. Although it named staff in these consulates it did not give biographical details. It ceased publication in 1965 and was replaced by the present annual Diplomatic Service List whose format is broadly the same in respect of FCO Departments, of UK representation abroad and of brief biographical and career information on staff, but it contains no information about consulates in the UK. The FCO also publishes the biannual London Diplomatic List (LDL) which gives details of embassies, high commissions, various international organisations and their staffs based in London and in a few instances in Brussels, Paris, and The Netherlands. Apart from showing the few honorary consulates based in London it, too, makes no reference to the extensive network of consulates based elsewhere in the UK. Telephone directories and Yellow Pages have incomplete information, shown under the classification of consuls or embassies and consulates, and even within the same area these two directories often give contradictory or different information. There is therefore no overall, accurate means of establishing the location or existence of consulates, whether career or honorary. The main difficulty is that the overwhelming majority of the consular network outside London is provided by honorary consuls. They are undoubtedly included in the various public directories, but generally under their professional or business headings. Few have bothered to show a separate listing for their consulate. So, for example, while 'John Smith' will have his business occupation and address shown in the directories he is unlikely to have a separate entry showing that this address is also that of the Ruritanian consulate. Of course, a charge is made for classified entries in directories and this may be a reason for the seeming reluctance to include them. A more straightforward

explanation for the present situation is probably a total lack of awareness on the part of the relevant authorities.

It might be argued that nowadays anyone wishing to know the location of a consulate should make use of the Internet. However, this presupposes that persons in distress and requiring urgent information at all times of the day and night are able to have immediate access to such facilities. This is an unlikely situation; but even for those who do have access, the Internet will not always provide them with the required information since the Websites of a number of embassies do not even acknowledge the existence of their consulates. As telephone directories, Yellow Pages and many embassy websites cannot be relied upon to give accurate information about the locations of consulates the scale of the problem may now be recognised. It is doubtful if the information available to the police is any more accurate. My suggestion is that the FCO should publish an annual UK Consular List. If, as it seems, there is sufficient demand for the publication of the biannual LDL, currently on sale at approximately £8 per edition, there is likely to be a much greater demand for an annual Consular List. Similar lists are published in other countries. The market for the LDL is limited, confined mainly to embassies, high commissions, and international organisations,<sup>6</sup> whereas the potential market for a Consular List would include not only the embassies and high commissions, but also individual consuls throughout the country, post offices, public libraries, university libraries, tourist information offices, citizens advice bureaux, police forces, chambers of commerce, hotels, the media. A related suggestion is for the creation of a national 'Freephone Consul' telephone number. This could be a single entry in the various directories, thus obviating the need to have individual (usually incomplete or erroneous) entries for consulates. Callers could be asked to state their nationality and the town they were calling from; they would then be given details of their country's nearest consulate. They could also, perhaps, choose one of several common languages in which to receive the message. The information could be updated regularly by the FCO.

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<sup>1</sup> However, as has been explained, some countries (the UK included) make it mandatory to be notified without delay if any of their nationals are arrested or detained, regardless of the views of the nationals concerned.

<sup>2</sup> The Australian Department of Foreign Affairs and Trade (DFAT) states that 'some Australians in gaol overseas choose not to request consular assistance or even to have their presence in gaol recorded or notified to family or friends in Australia.' It also estimates that 'as many as 1400 Australians die overseas each year without the Department being asked to provide assistance to the next of kin or with the return of remains.' Australia, Senate, Foreign Affairs, Defence and Trade Committee Report, *Helping Australians Abroad: a Review of the Australian Government's Consular Services*, 16 June 1997, paragraph 3.52. [online] Available from: [http://www.aph.gov.au/senate/committee/fadt\\_ctte/consular/ch3\\_0.htm](http://www.aph.gov.au/senate/committee/fadt_ctte/consular/ch3_0.htm) [accessed 24 January 2002]

<sup>3</sup> Australian National Audit Office, Report No. 31, *Performance audit: Administration of Consular Services*, 29 March 2001, paragraph 18. [online] Available from: [nao.gov.au/Web/wsPub.nsf/6904c09fbd226dbdca2568c20023c589/686b37c418f5cd3aca256a1d0019e6ab!OpenDocument](http://nao.gov.au/Web/wsPub.nsf/6904c09fbd226dbdca2568c20023c589/686b37c418f5cd3aca256a1d0019e6ab!OpenDocument) [accessed 29 January 2002]

<sup>4</sup> Iceland's consular representation is an excellent example of a cost-effective network of honorary consuls. The population of Iceland is 278,000, considerably less than that of Edinburgh. Yet it has an extensive consular network throughout the world (with eleven consulates in the UK) and all its consuls are honorary—with the exception of its Consul General in New York. Letter dated 5 September 2000 to me from Ms Petrina Bachmann, Icelandic Embassy, London.

<sup>5</sup> Compiled from FOLDCYB 1965. This is the last date on which the publication appeared. It was superseded by the Diplomatic Service List, which contains no details of consulates.

<sup>6</sup> How great, for example, is the interest in knowing the name and marital status of the following: an assistant statistician in the International Lead and Zinc Study Group; the head of documents and reprographics at the International Coffee Organisation; the deputy head (nursery/primary) of the European School; the deputy director (gender affairs) at the Commonwealth Secretariat; the catering manager of the International Maritime Organisation? All examples taken from the LDL, December 2001.



## CONCLUSION: AN EVOLVING SYSTEM

The consular system is an early example of internationalisation which continues to the present day. Eurocentric in its concept and form, it was introduced throughout the world under the mantle of imperialism and colonialism. But the European model stuck, and has remained relatively unchanged as an institution although the balance of its activities has changed, with maritime functions no longer supreme. In the field of international relations, the consular institution has no rival; there is no alternative model. Consulates operate as the branch offices of a country's overseas representation system and are its farthest-located overt official presence in another country; they report upwards through an organisational hierarchy to another early and continuing example of internationalisation and another European model, namely the ministry of foreign affairs.

This study began by tracing the evolution of the offices of ambassador and consul from earliest times to the present, with particular reference to the UK. It then focused on consuls and, along the way, explored a number of topics relating to consuls and the conduct of their duties and functions. The functions themselves have also been examined, and have been shown to have developed from routine practices and procedures which were principally involved with foreign maritime trade or commerce. As foreign trade and political interests expanded it became necessary to incorporate these various *ad hoc* practices and procedures into a set of rules that would be accepted and used more widely than simply in the primary locations, usually ports, for which they had originally been drawn up. Thus began the early attempts at codification of consular law, culminating in the framing of the VCCR. This is now the universally accepted benchmark but may be expanded, if the parties desire it, by bilateral consular conventions.

The study has shown that despite their long historical antecedents, consuls and consulates continue to exist, largely because they are dynamic and have successfully

moved with the times. They have changed from their principal early role of local agents dealing almost entirely with shipping and other maritime matters, such as certifying the authenticity of country of origin on invoices and manifests and dealing with registration and other questions relating to ships' crews. The consular needs of travellers were formerly only a minor part of the duties of consuls simply because there were relatively few foreign travellers, apart mainly from wealthy individuals and their scions undertaking the European 'Grand Tour'. However, from the last quarter of the twentieth century onwards, foreign travel has been increasingly democratised and made easier and cheaper by the introduction of package holidays, by the popularity of gap year travel and backpacking holidays among students and other young people, and by the recent trend for football supporters to travel to their teams' foreign fixtures. It is largely these types of travellers who have accounted for the greater calls on the services of consuls, for assistance with, for example, replacement of lost passports, visa work, advice relating to arrests or detentions, ill health, accidents, or deaths. The mass tourism market is a post-war phenomenon and therefore did not figure in the workload of consuls prior to that time. Numbers of expatriates have also increased, as many individuals choose to retire abroad or to have second homes abroad. Complementary to these increases there has been an enormous decrease in shipping business and in activities in the smaller ports and harbours. The numerous coastal fleets have dwindled and have been replaced by container ships which carry considerably greater volumes of cargo and require large dockside facilities. Small shipping lines no longer ply between, say, Leith or Newcastle upon Tyne and London, and the formerly ubiquitous tramp or collier ships are rare sights. Similarly, the once extensive shipping business that was common between small British ports and their counterparts in the Baltic States, Scandinavia, and the Hanseatic ports has declined. In many ways, therefore, it is fortunate for consuls that as their maritime work decreased, their work for travellers increased and was able to fill the gap. It would be interesting to speculate what might have happened to the consular institution if it had not been saved by the needs of the personal traveller. Might it have disappeared altogether?

### *Looking ahead*

Are there any developments on the horizon that might impact on the present shape of consular representation? What might be the future pattern of consular representation? There will undoubtedly be minor changes affecting individual countries

and individual consulates; for example, when a country decides to increase or, more likely, reduce its network. However, a major factor that has the potential to influence the shape of future consular representation is the extent to which the EU decides to reconstitute and develop the already large external representation of the European Commission.

### *A European Commission consular network?*

Before discussing this topic it may be worth identifying the three pillars which constitute the EU, and about which there is a great deal of confusion. It is not proposed to describe these in detail; the essential points, however, are as follows. The pillars are the European Community (First Pillar), the Common Foreign and Security Policy (Second Pillar), and Justice and Home Affairs (Third Pillar). The European Community comprises the European (Economic) Community, the European Coal and Steel Community, and the European Atomic Energy Community (the original components of the European Economic Community). Under the Treaty on European Union 1992 (the Maastricht Treaty) the 'Commission of the European Communities' has become the 'European Commission'.<sup>1</sup> The Commission is a large bureaucracy which submits proposals to the Council of Ministers, implements the Council's decisions, and has powers of its own to promote the Community's interests.<sup>2</sup> There have been varying degrees of success in attempts to introduce a common foreign and security policy, a common finance policy, a common currency, and a European Rapid Response Force. Recent initiatives have included the establishment of Europol (a European version of Interpol) and proposals to establish a European Police College.<sup>3</sup> Opponents of European integration have viewed all these initiatives as examples of creeping federalisation.

However a further initiative, which has received very little publicity and which is of relevance to this study, is the proposed common Community diplomacy policy. The general public is probably unaware that the Commission has an extensive network of representative offices throughout the world, ranging from Albania to Zimbabwe. Indeed it is larger than the overseas representational networks of almost every nation in the world. In the year 2000 it was represented in a hundred and twenty-three non-Member States.<sup>4</sup> Additionally, it has twenty-two representations in its fifteen Member States; this latter number increased when ten new Member States joined the Union in May 2004. An important factor is 'the way in which external relations have moved from

a preoccupation with external economic issues under the European Community (EC), to a far broader range of functions that incorporate political and security dimensions under the EU.’<sup>5</sup> In the UK, the main representation is in London, with others in Edinburgh, Cardiff, and Belfast. The UK has the largest number of Commission representations in the EU.<sup>6</sup> The Commission’s External Relations Directorate General in Brussels could be said to be the equivalent of a Ministry of Foreign Affairs, with its London office as an embassy, and the three others in the UK as consulates general. Moreover, as further evidence of the diplomatic nature of the Commission’s representations all its staff posted from Brussels to serve in the external delegations in non-Member States enjoy the privileges and immunities provided in the Vienna Convention on Diplomatic Relations 1961<sup>7</sup> and the Commission regards its heads of delegations as ambassadors, although as will be seen below others do not hold that view. The status of its staff posted to Member States is slightly different but is still broadly similar to those in the Delegations in non-Member States. For example, in the UK the head of the office in London and his senior staff also enjoy privileges and immunities—not under the Diplomatic and Privileges Act 1964, but under the European Communities Act 1972<sup>8</sup> and the Protocol on the Privileges and Immunities of the European Communities 1965<sup>9</sup>.

On the question of regarding heads of delegations as ambassadors it is interesting to read the terms of a Note that was sent to Heads of Commission Delegations in 1991. It reveals a fine mix of arrogance and a tacit admission that few people in the conventional diplomatic world (and probably elsewhere, for that matter) accept the diplomatic role which the Commission believes it plays and the rank of ambassador which it confers upon its Heads of Delegations:

I am once again beginning to receive expressions of concern from different sources about the use by some Heads of Delegation of their courtesy title and personal rank of Ambassador conferred upon them by the Commission. May I remind you—and ask you to remind your staff—of the need to exercise the greatest tact and discretion in relation to Protocol matters in general and above all in relation to courtesy titles and diplomatic precedence. In particular, a Head of Delegation should never seek nor accept precedence over the Ambassador of a sovereign state, nor should he seek to impose the title Ambassador. If an interlocutor fails to use this courtesy title, the Head of Delegation should not pursue the matter. He should discourage his own staff from referring to him as “the Ambassador” in their dealings with, for example, the Embassies of Member States. In particular, use of the appellation “Ambassador of the European Community” should be avoided. For the time being Commission Delegations remain Commission

Delegations—not Community Delegations—even though they may, in practice, represent the Community on questions falling within areas of exclusive competence. One cannot expect the average diplomat in the street to understand such subtleties.<sup>10</sup>

Evidence of the Commission's diplomatic ambitions is also to be found in a report prepared in July 2000 by the European Parliament's Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy. The report was approved by the Parliament in September 2000 which agreed that 'a professional, permanent Community diplomatic service needs to be established', and 'it cannot be ruled out that in the future, once the [European] Union's legal personality has been recognised, more ambitious steps may be taken in this field by setting up Union embassies consisting of a Community delegation and the missions of Member States wishing to have a presence in the third country concerned, as repeatedly called for by Parliament.'<sup>11</sup> As the EU does not have a 'legal personality', the Parliament considered that the process should be gradual, and that the Commission delegations should become Community delegations since the latter have 'legal personality'.<sup>12</sup>

While there can often be gaps between what the European Parliament proposes and what is practical or what would be acceptable to national governments, it is worth exploring further the idea of a European diplomatic service (whether it represents the Commission, the Community, or the Union) with its own embassies. How would this affect consular representation? Under the terms of Article 2(2) of the VCCR 1963 'The consent given to the establishment of diplomatic relations between two states implies, unless otherwise stated, consent to the establishment of consular relations.' The key phrases are 'diplomatic relations', 'between two states' and 'unless otherwise stated'. The term 'diplomatic relations' is not defined in the VCDR 1961 but is generally taken to mean relations between two states, not between a state and an organisation or grouping of states. A state is a sovereign country; consequently, even if the EU eventually achieves a legal personality it will still not be a state.<sup>13</sup> It is possible, of course, that the 'unless otherwise stated' condition would be invoked in any future arrangement.

More recently, the EU has introduced practical measures that extend the scope of consular protection for EU citizens. Citizens of Member States who require consular

services in a country where their own country has no diplomatic or consular presence may now request diplomatic or consular protection from an embassy or consulate of any Member State in that territory, and on the same conditions as the nationals of that state.<sup>14</sup> So, for example, a Luxembourg national requiring consular protection in Mongolia may receive it from the British Embassy in Ulaanbaatar. In the view of one writer 'This [initiative] may prove to be a harbinger of a more efficient and less duplicative use of increasingly scarce diplomatic resources amongst the Member States.'<sup>15</sup>

In my view, an EU common diplomatic service, in the generally accepted sense, and which by extension would include consular representation, is not a feasible proposition for the following reasons. A diplomatic and consular service is the principal external arm of a sovereign state, and not of any other entity. It is noteworthy that on achieving independence, even the smallest and poorest countries aspire to have a diplomatic service, which is regarded as one of the essential external symbols of nationhood. The EU, on the other hand, is an intergovernmental organisation, a collective grouping of states that have come together to achieve certain common goals or policies. It is not a sovereign state, and for that reason is not a member of the United Nations.<sup>16</sup> The European Communities do however have a presence at the UN, but only with observer status. This puts them in the same category as organisations such as the League of Arab States, the International Committee of the Red Cross, the Commonwealth Secretariat, and the International Organisation for Migration.<sup>17</sup> Despite the fact that the President of the Commission and the European Commissioners are often perceived and received as ministers, it is perhaps salutary to bear in mind that they have a more ambiguous status: they are nominated by the governments of their Member States and approved by the European Parliament.

The unique feature of any diplomatic service is that its consulates, both career and honorary, are for the most part located in a country's regional towns and cities where they are better placed than the missions in the capitals to act as listening posts, to meet local people, and to judge the true mood of that country. Could an EU common diplomatic service match this and at the same time look after the consular interests of EU citizens effectively, not only in the territories of the Member States but also throughout the world? More importantly, would it need to? To do so, there would need

to be considerable enlargement of the Commission's existing network to match the current level of Member States' consular posts. In the UK alone, for example, existing Member States have more than two hundred consular posts in almost sixty towns and cities. Most of these posts are administered by part-time honorary consuls whose consular duties, and therefore costs, are minimal. An EU diplomatic service would be unlikely to continue the tradition of honorary consuls since, apart from certain support grades, existing Commission staff, whether temporary or permanent, are employed on a full-time basis. Nor could it possibly afford to continue such an extensive network. Even if the network were reduced by, say, seventy-five percent, it would still remain an expensive option. Simply to use only the existing four representation offices situated in the four regions of the UK would also be unacceptable, since there is no good reason to break up the existing consular network which functions efficiently and at little cost. Where would the line be drawn between an EU diplomatic service and the diplomatic services of Member States? It is easy to imagine a Kafkaesque situation existing in a capital city where the EU had an embassy, which represented the collective interests of its Member States, and where the Member States in their own right had embassies. They could not possibly coexist because their interests would be inimical.

Another, albeit abstract, factor militating against the idea of a common service is national bias. In practice, how impartial would an EU 'diplomat' or 'consul' be if acting on behalf of, say, two individual Member States whose national interests were inimical and of one of which he was a national? EU 'diplomats' and 'consuls' would also be unable to carry out effectively some of the essential responsibilities of consuls, such as political and economic reporting and trade promotion on behalf of individual states, since conflicts of national interests inevitably would arise once again. A truly EU diplomatic and consular service would be possible only if all Member States abrogated their individual sovereign status and transformed the EU into a federal sovereign state, such as the 'United States of Europe' (USE). This is doubtless the goal sought by committed federalists. Among the many consequences of such a change would be that Member States could no longer be individual members of the UN but would be represented on it by the EU or 'the USE'. Also, two Member States, the UK and France, would have to give up their seats as permanent members of the Security Council; this is highly unlikely, to say the least. They would also have to give up their individual diplomatic and consular services. No Member State would be willing to accept such an

enormous loss of sovereignty. A final factor which may tend to be overlooked or ignored by those who advocate creating an EU diplomatic service is one which, in my view, outweighs most of the other considerations. Namely, that as the present system of diplomatic and consular representation is clearly satisfactory, cost-effective, and serves the interests of all the parties concerned, why alter it? Moreover, it is unlikely that the Commission would be granted additional funding to establish a common diplomatic service because national governments would consider that such a service would be likely to tread on their own political prerogatives. They would not therefore give their approval at the Council of Ministers, the body which, *inter alia*, approves the Commission's budget. However, the *status quo* could be developed to a certain extent without much additional expenditure but confined to areas such as trade, aid, public relations, and extending the current reciprocal use of Member States' embassies and consular services.

From what has been discussed in the foregoing paragraphs it will be seen that this topic goes considerably further than a common diplomatic service, and strays into areas such as international law. All are beyond the scope of the present study.

#### *Other consular arrangements*

In recent years there have been a number of novel consular arrangements which may have a bearing on future patterns of consular representation. They show that for reasons of pragmatism it is possible for States with common links or interests to introduce and implement either shared consular schemes or ones which ensure that their citizens receive consular protection in parts of the world where their country does not have a consular presence. Reference has been made above to the scheme for nationals of EU Member States. For many years the UK has also provided consular assistance to Commonwealth citizens in third countries where their States have no diplomatic or consular presence. A more unusual and innovative scheme was set up on an experimental basis in 1985 in Oaxaca, Mexico. This was established by Canada, France, Germany, Italy, Spain, and the United States and consisted of a shared consular office staffed by a multilingual secretary.<sup>18</sup> Although the initial experience was very positive the office was closed in June 1990. The reason for the closure was that the arrangements were illegal under Mexican law, as the Mexican authorities had not approved them; nor did the staff have the requisite status to undertake the work. Prior to the closure, an



American resident of the city was responsible for assistance to Canadians, but the office also included Mexican and French staff. None of the staff had consular privileges and immunities nor, despite the different nationalities involved, were there any reports of conflicts of interest. After the office's closure, Oaxaca was designated as a Canadian honorary consulate site. The Canadian official view on the Oaxaca arrangement was that although it may have had a beneficial effect most countries, including Canada, prefer to conduct consular relations on a bilateral basis.<sup>19</sup> Canada has consular sharing arrangements with Australia, the United States, the Netherlands, Sweden, and the UK on the basis that a specific country looks after Canadians in a location where there is no Canadian consulate. The arrangement is generally undertaken on a reciprocal basis.<sup>20</sup> In the case of the arrangement with Australia, agreement was reached in 1986, set out in a Memorandum of Understanding in January 1987, whereby Canada provides full consular assistance for Australian citizens in Norway, Peru, and Tunisia and Australia provides the same for Canadian citizens in the State of Hawaii and on the Island of Bali. Canada also provides limited consular assistance to Australian citizens in Haiti during emergency situations.<sup>21</sup> Another innovation is to be found in Paraguay, which has a large Brazilian expatriate population; in order to meet their consular needs Brazil has set up a mobile consulate. Brazil has also entered into consular sharing arrangements with Argentina.<sup>22</sup>

Two further developments that have implications for the future pattern of consular representation are being undertaken by the US State Department. Firstly, the Department is in the process of implementing a programme to 'rightsize' and 'regionalise' diplomatic and consular activities. In 2002 it purchased from the German government a twenty-three acres site in Frankfurt, known as Creekbed, which was previously an American military hospital. This will be developed at a cost of \$80M and is due to open in 2005, housing the new Frankfurt Consulate General and a Regional Support Centre employing numerous American personnel from other US agencies in Europe, Eurasia, and the Middle East. It is expected to serve as a model for future efforts to expand the use of regional centres to conduct embassy and consular operations.<sup>23</sup> Secondly, in 2003 the Department established five Virtual Consulates, initially for the Ural Region of Russia.<sup>24</sup> The Virtual Consulates are locally-branded Internet Web sites with content customised to the particular city or region and are serviced remotely from the nearest consulate general, in this case Yekaterinburg. They

provide information on how to apply for a US visa, how to find American business partners, information about US programmes and activities in the region, and have e-mail and telephone contact information for people who can assist local residents with their enquiries. They can be used by both Americans and local residents. It is proposed that the ambassador and other officials should visit each city from time to time. It is thought that a Virtual Consulate may be able to handle up to 50% of a physical consulate's workload.<sup>25</sup>

Although strictly speaking not involved with consular representation, it may be worth watching the development of a recent diplomatic initiative by the government of the Flanders region of Belgium. Following Belgian state reforms in 1993 Flanders now has full international powers to conduct its own foreign policy. This applies equally to the other two Belgian regions, Walloon and Brussels Capital; all are permitted to conclude treaties with other countries and regions within their areas of jurisdiction. Since 1993 Flanders has concluded twenty such treaties. It also has diplomatic posts in Austria, France, Germany, the Netherlands, the UK, the United States, Japan, and Southern Africa and plans to extend the diplomatic network even further. In addition, it has almost a hundred economic representatives throughout the world. Most of the diplomats are based in Belgian embassies but the aim is to house all the representatives under the same roof in order to present a clearly identifiable Flemish presence. This has now been achieved in Berlin, London, Paris, The Hague, and Vienna. In the UK, the diplomats, the economic representatives, and tourism representatives are located within a recently-acquired (December 2002) building known as Flanders House, which is technically a section of the embassy and has full diplomatic status. There is 'intensive collaboration' with the devolved authorities in Scotland, where a Flanders export office was opened in Edinburgh in 2000, and Wales.<sup>26</sup>

Might this new form of diplomatic representation eventually incorporate a consular function? As the three Belgian autonomous regions are divided on linguistic lines their citizens might prefer to avail themselves of consular assistance located within their region's overseas representational offices. In these, they would find staff who belonged to the same linguistic and cultural group as themselves, rather than those in the embassies who may be from one or other of the regions.<sup>27</sup> These remarks do not apply to honorary consulates, which for the most part are headed by non-Belgian

consuls and staff who have no knowledge of either of the country's principal languages, French and Dutch (or Flemish).

*Is the consular institution an anachronism?*

A few questions remain to be addressed: are consuls and the services they provide still needed in the twenty-first century; are there ways in which the institution could be improved, indeed need it be improved? What is the impact of modern methods of communication and IT on the consular institution? Experience gained from this study suggests that there is a continuing need for consuls but chiefly in the field of providing services to travellers. This aspect of work demands good interpersonal skills, and communications technology will never be a substitute for 'face-to-face contact' when dealing with persons, often in distress, who require assistance. Modern society is better informed and expectations of what is required from one's country when overseas are high. If consulates were abolished, alternative agencies or authorities, such as police forces and local holiday travel representatives would require to pick up some of the work. However, it would cost much more than the existing consular system which, as has been shown, relies heavily on largely unpaid work by honorary consuls. If career consulates general were also abolished it would mean restricting the sending country's consular presence to the consular sections of embassies in the capital. Career consuls, however, also undertake a measure of political reporting. The absence of their presence from regional centres and the consequence of no longer 'showing the flag' are difficult to quantify in financial terms, but having a career consular presence is a costly item for any country to bear. For example, there are salary costs of full-time officials, residential allowances for themselves and their dependants, education allowances if they have children, the full cost of maintaining the consular premises, salaries for locally employed staff, etc.<sup>28</sup> This has encouraged several countries to implement cost-cutting policies, closing career consulates general and consolidating much of their former activities in the embassy in the capital and, in many cases, relying on honorary consuls to pick up the pieces. The question of whether consuls need continue with their much-reduced maritime duties is more problematic. Perhaps this aspect of work could best be undertaken by other authorities in ports, such as customs, immigration, and police. Experience gained from the study has also suggested to me that no significant changes require to be made; (If it ain't broke, don't fix it). Moreover, any attempt to make changes could alienate honorary consuls who, it should be remembered, are busy people

with other occupations who provide a service at little or no cost. Modern communications have a positive influence on the services provided by consuls, mainly by enabling them to convey and receive information rapidly, for example by contacting their superintending consulate general or embassy for advice, or contacting relatives of persons in distress.

A final question is: are consuls a luxury that most countries no longer need or can afford? For example, do travellers who face distress or get into trouble abroad really need to have access to a representative of their own country? Is it not sufficient that the local authorities deal with their problems? The answer to all these questions is: 'it depends'. For example, it depends if the countries concerned have justice and healthcare systems that are at least equivalent to those found in travellers' own countries. If not, travellers may feel distrustful of them or uneasy about using them. Also, the questions go to the heart of the long-established custom of having official representatives of one's country resident in other countries—whether the representative is responsible for the purpose of conducting high-level diplomacy or for looking after the interests of expatriates.

In the case of honorary consulates, we have seen in the Consular Survey that when asked whether they thought there would be a need for honorary consulates in the future, a minority of the respondents said that the need would diminish (thirteen percent of career consuls and twenty-five percent of honorary consuls). However, there is a difference between a need and an expectation or even a demand. Examination of the annual reports of several countries' ministries of foreign affairs shows that many consular caseloads continue to increase. This is particularly the case for travel-related services. Provision of these services is mainly governed on a supply and demand basis but it seems that public expectations of receiving assistance from their consuls are on the increase. In response to demand, many countries now offer travel advice about individual countries which has to be updated frequently and rapidly to reflect changes in local conditions. Danish consuls, for example, reported that between the years 2000 and 2002 the number of persons in distress and seeking assistance increased from 3978 to 4745.<sup>29</sup> In the same period, the number of British travellers receiving consular assistance and advice rose from 45,000 to more than 53,000.<sup>30</sup>

In my view, there is little likelihood of a significant decrease in the use made of consular services. All the indicators point in the opposite direction.<sup>31</sup> Canada, for one, obviously believes in the increasing importance of consular work and in September 2003 announced a large expansion of its network in the United States, opening seven new consulates, upgrading two consulates to consulates general, and appointing twenty honorary consuls.<sup>32</sup> Society increasingly expects to turn to some official agency or another when problems are encountered and this is particularly so when the problems arise in a foreign country. In such circumstances, it is reassuring to deal with a representative of one's own country who knows the local situation, understands the language, the justice and health systems, culture and so on, and can act as a facilitator when things go wrong. In some cases, it may be sufficient if the representative is the traveller's tour operator. But in most cases, whether the traveller is on holiday or business when encountering a problem, a consul is much better placed to liaise between the authorities of the two countries concerned, will have greater influence and may be more readily accepted.

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<sup>1</sup> Structure of the European Union, EUR-Lex-About EU law. [http://europa.eu.int/eur-lex/en/about/abc/abc\\_12.html](http://europa.eu.int/eur-lex/en/about/abc/abc_12.html) [Accessed 7 November 2003]

<sup>2</sup> *Pears Cyclopaedia*, 1998-1999, London, Penguin, 1998, p.D15.

<sup>3</sup> *The Sunday Times*, 31 October 1999, p.2.

<sup>4</sup> Letter dated 12 January 2000 to me from Ian Boag, External Relations Directorate General, European Commission, Brussels.

<sup>5</sup> Simon W Duke, 'Preparing for European Diplomacy?', *Journal of Common Market Studies*, Vol.40, No.5, December 2002, p.850.

<sup>6</sup> France, Germany, Italy, and Spain each have two Commission offices; all other Member States have one.

<sup>7</sup> Letter dated 12 January 2000 to me from Ian Boag.

<sup>8</sup> United Kingdom. European Communities Act 1972, 1972 Chapter 68.

<sup>9</sup> *The London Diplomatic List December 2001*, London, FCO, 2001, p.88; *Treaties establishing the European Communities, Treaties amending these Treaties, Documents concerning the Accession*, Luxembourg, Office for Publications of the European Communities, 1973, pp.775-87.

<sup>10</sup> Horst G Krenzler, *Note for the attention of Heads of Delegation DGI: Use of the Title Ambassador*, Commission of the European Communities, Directorate-General External Relations, Brussels, 27 May 1991. Krenzler was Director-General of External Relations from 1987-96 and at the time of writing is a legal counsel with a firm of international lawyers in Brussels.

<sup>11</sup> European Parliament, Minutes of 5 September 2000, Common Community diplomacy, A5-0210/2000, European Parliament resolution on a common Community diplomacy (2000/2006 (INI)), items E and O.

<sup>12</sup> European Parliament, Minutes of 5 September 2000, para.5.

<sup>13</sup> Article 6 of the draft *Treaty establishing a Constitution for Europe, submitted to the European Council meeting in Thessaloniki on 20 June 2003* states: 'The [European] Union shall have legal personality.' Luxembourg, Office for Official Publications of the European Communities, 2003. It also proposes having a minister for foreign affairs (Article 27).

<sup>14</sup> Council of the European Union, General Secretariat, *Consular protection for citizens of the European Union*. Undated leaflet, Office for Official Publications of the European Communities, Catalogue No. BX-97-96-823-EN-C.

<sup>15</sup> Duke, p.854.

<sup>16</sup> However, the EU appears to have ambitions to become a full member of the UN. In 1999, Javier Solana, a former NATO Secretary-General and at the time of writing Secretary General of the Council of the European Union and High Representative for the Common Foreign and Security Policy, welcomed an Italian proposal for the EU to have a seat on the UN Security Council. This would be in addition to those held by the UK and France who are Permanent Members of the Security Council. He is quoted as saying: 'I think it would be a step in the right direction.' *The Times*, 18 November 1999, p.23.

<sup>17</sup> United Nations. Document A/INF/57/4, 6 May 2003.

<sup>18</sup> Luke T Lee, *Consular Law and Practice*, Second Edition, Oxford, Clarendon Press, 1991, p.71.

<sup>19</sup> Letters dated 20 December 1999 and 18 January 2000 to me from H G Pardy, Director General, Consular Affairs Bureau, Department of Foreign Affairs and International Trade, Ottawa, Canada.

<sup>20</sup> Ibid.

<sup>21</sup> *Canada-Australia Consular Services Sharing Agreement*, forwarded with letter dated 18 January 2000 to me from H G Pardy.

<sup>22</sup> Richard Langhorne, *Who are the diplomats now? Current developments in diplomatic services*, Wilton Park Paper 117, London, HMSO, April 1996, pp.9-10.

<sup>23</sup> United States. Government Accounting Office. '(1) *Overseas Presence: Rightsizing is Key to Considering Relocation of Regional Staff to New Frankfurt Center*, GAO-03-1061, Washington DC, 2 September 2003; (2) *Testimony before the House Committee on International Relations. Foreign Affairs: Effective Stewardship of Resources Essential to Efficient Operations at State Department, USAID*. Statement of Jess T Ford, Director of International Affairs and Trade, GAO-03-1009T, 4 September 2003. Both these documents can be accessed at <http://www.gao.gov>

<sup>24</sup> They are for Perm, Snezhinsk, Tyumen, Chelyabinsk, and Novouralsk. <http://www.virtualconsulate.com/> [accessed 9 February 2004]

<sup>25</sup> Jay T Snyder, Commissioner, Advisory Commission for Public Diplomacy, *The New Diplomacy: The Virtual Consulate Model*, State Department, 24 July 2003. Available from <http://www.state.gov/r/adcompd/rls/27561pf.htm> [accessed 9 February 2004]

<sup>26</sup> Letter, and enclosures, dated 24 September 2003 to me from Bart Somers, Minister-president, Government of Flanders, Brussels, Belgium.

<sup>27</sup> When living and working in Brussels I experienced the intense and at times bitter rivalry between members of the Flemish and Walloon Regions, the majority of whose citizens are unable to understand each other's language. Brussels, although designated as the Brussels Capital Region, is located in the

Flemish Region and is officially a bilingual city. However, many of its inhabitants are unable to understand the French language.

<sup>28</sup> For example, in 2002 the average annual cost of placing one full-time direct-hire American family of four in a US embassy was approximately \$339,000. United States. Government Accounting Office. *Testimony before the House Committee on International Relations. Foreign Affairs: Effective Stewardship of Resources Essential to Efficient Operations at State Department, USAID*. Statement of Jess T Ford, Director of International Affairs and Trade, GAO-03-1009T, Washington DC, 4 September 2003, p.10n11. Available from <http://www.gao.gov> [accessed 14 November 2003]

<sup>29</sup> Ministry of Foreign Affairs, Copenhagen, Annual Report for 2002, Table 6. [online] Available from [http://www.um.dk/english/ministry/annual\\_report\\_2002.pdf](http://www.um.dk/english/ministry/annual_report_2002.pdf) [accessed 30 September 2003] The number of visa applications fell dramatically during the same period from 142,805 to 74,099 as a result of Denmark joining the Schengen scheme.

<sup>30</sup> FCO, Consular Work Annual Reviews 2000, 2001, 2002.

<sup>31</sup> For example, in 1997-98 FCO staff spent 765 staff years on consular work; by 2005-06 it is estimated that this figure will have risen to 870 staff years. FCO Annual Report 2003, Chapter 10, Table 20, p.109.

<sup>32</sup> Department of Foreign Affairs and International Trade, Ottawa, News Release 139, 17 September 2003.

## Appendix A

### Individuals and organisations providing information

Many individuals, departments, and other organisations contributed to the success of this study through their cooperation and interest, and are listed below. In particular, I should like to thank the hundreds of consuls and their ambassadors and high commissioners for their enthusiastic support and for the consuls' participation in my Consular Survey 2000. There are too many to name individually, but without their assistance research on the core topic of this study could not have been completed.

#### Consuls who provided additional information outwith the Consular Survey

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Morris West, Author, Sydney, Australia.

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### **Local Authorities**

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 Simon R Eccles, Senior Curator (Burrell Collection) Ancient Civilisations, The Burrell Collection, Glasgow.  
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 The Editor, Family Tree Magazine.  
 The Editor, History Today.  
 The Reference Library, News International plc., London.  
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## **Appendix B**

### **Consular Survey 2000: questionnaire sent to career consuls**

DEPARTMENT OF POLITICS  
CONSULAR SURVEY 2000

*To be completed by one of the following categories of Career Consular Officers—the Officer in charge of either an Embassy or High Commission Consular Section, or Consulate General, or Assistant High Commission, or Consulate*

This is the first time that a nationwide survey has been undertaken of the extensive consular network that exists throughout the United Kingdom. Your participation and cooperation are therefore crucial to the success of the survey. By completing this questionnaire you will be contributing to a better understanding of this important but relatively neglected area of international relations.

Please place a cross in the relevant boxes.

After you have completed the questionnaire, please sign it on the last page and return it to the address shown on that page.

A separate questionnaire has been prepared for the use of honorary consular officers.

**PART I YOUR PERSONAL DETAILS** (Please use block capitals)

1. First name .....
2. Middle name(s) .....
3. Last name .....

4. Title
 

Mr	<input type="checkbox"/>
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Mrs	<input type="checkbox"/>
-----	--------------------------

Miss	<input type="checkbox"/>
------	--------------------------

Ms	<input type="checkbox"/>
----	--------------------------

Other. Please specify	<input type="text"/>
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5. Appointment
 

Consul General	<input type="checkbox"/>
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Consul	<input type="checkbox"/>
--------	--------------------------

Other. Please specify	<input type="text"/>
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6. Country that you represent .....

7. Official address .....
- .....
- .....
- .....

8. City .....

9. Postcode .....

10. Telephone No. ....

11. E-mail address .....

12. Web Page .....

13. Date of Birth
 

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14. Are you:
 

Male	<input type="checkbox"/>
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Female	<input type="checkbox"/>
--------	--------------------------

15. Date of your exequatur.

16. What is your educational background?

Secondary or High School	<input type="checkbox"/>
University	<input type="checkbox"/>
Other. Please specify	<input type="checkbox"/>

17. What is the normal length of consular appointments?

2 years	<input type="checkbox"/>
3 years	<input type="checkbox"/>
4 years	<input type="checkbox"/>
5 years	<input type="checkbox"/>
More than 5 years	<input type="checkbox"/>

18. What/where was your previous appointment? .....

19. Have you previously held a diplomatic, as distinct from a consular, appointment?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
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20. If you have answered 'Yes' to Question 19, please give details.

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21. For how many years have you been a member of your country's foreign service?

Less than 1	<input type="checkbox"/>
2-5	<input type="checkbox"/>
6-10	<input type="checkbox"/>
11-15	<input type="checkbox"/>
16-20	<input type="checkbox"/>
21-25	<input type="checkbox"/>
26-30	<input type="checkbox"/>
31-35	<input type="checkbox"/>
36-40	<input type="checkbox"/>
More than 40	<input type="checkbox"/>

22. Do you expect your next appointment to be:

Diplomatic	<input type="checkbox"/>
Consular	<input type="checkbox"/>
A mixture of both	<input type="checkbox"/>

23. Has your career always been in the foreign service?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
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24. If you have answered 'No' to Question 23, please give details.

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25. What is the normal retirement age in your country's foreign service?

46-50 years	
51-55 years	
56-60 years	
61-65 years	
Over 65 years	

**PART II INFORMATION ABOUT THE CONSULAR POST**

1. Is the post:

a consular section in your embassy?	
a consulate general?	
a consulate?	
Other. Please specify	

2. How many staff, including yourself, are employed in the consular post/section?

Nationals of your country	
British nationals	
Nationals of other countries. Specify below	
<b>TOTAL NO. OF STAFF</b>	

3. Which geographical areas are included in your consular district?

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.....

4. How many honorary consuls report to you?

None			
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5. If you have honorary consuls reporting to you, in which towns are they located? Please give their names and addresses. If necessary, continue on a separate page.


6. If you have honorary consuls reporting to you, how frequent are your contacts with them?

Daily		Weekly		Monthly		Quarterly		Every 6 months		Annually	
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7. Were any of your predecessors in this post persons who were well-known, or who subsequently became well-known — either in the foreign service or in other occupations?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
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8. If you have answered 'Yes' to Question 7, please give details. Continue on a separate page if necessary

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### PART III INFORMATION ABOUT CONSULAR WORK

1. Using the functions listed below, please indicate the percentage of time spent on them by you and your staff during a typical year. Do not group any of the functions together.

	%		%
Passports and visas		Property and estates	
Emigration		Electoral/voting arrangements	
Trade and commerce		Pensions and social security	
Tourism		Cultural	
Matters relating to ships and aircraft, and their crews		Education	
Civil registration		Reporting on political and economic conditions	
births		Attending official social events	
marriages		Other. Please specify below	
deaths			
Performing marriage services			
Notarial services (see Note)			
Hospital visits			
Arrests and detentions			
Visiting convicted prisoners			
Serving of legal process/subpoenas			
Taking evidence on behalf of your courts			
Obtaining police reports, court proceedings or records in cases involving your nationals			
Repatriation of nationals			
Extradition of suspected criminals			
Child custody disputes and abductions			100%

#### NOTE

'Notarial services' includes administering oaths, legalising signatures, and authenticating copies and translations of official or private documents.

2. If your post is NOT a consular section of your embassy, how frequently do you submit reports to the embassy regarding consular activities?

Weekly	
Monthly	
Every 3 months	
Every 6 months	
Annually	

3. Are these or any other consular reports published?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
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4. If you have answered 'Yes' to Question 3, are you able to forward a recent example to this survey?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
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**PART IV GENERAL**

1. Please indicate whether you agree or disagree with the following statements.

	Agree	Disagree
Consuls have greater opportunities than diplomats to make contact with local authorities, organisations, and nationals of the receiving state.		
Consulates provide an efficient and cost-effective means of gathering and disseminating information.		
With the rapidly increasing spread and use of information technology, there is no longer a need for consulates.		
When travelling in a foreign country, people expect their country to have a consulate there.		
People who experience difficulties when travelling abroad are generally surprised at the relatively limited extent of assistance that can be given to them by their consulates.		

2. Could any consular functions be privatised?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
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3. If you have answered 'Yes' to Question 2, please give examples

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4. As you know, consular relations throughout the world are governed by the Vienna Convention on Consular Relations 1963 and by bilateral consular conventions. Do you think that the Vienna Convention generally works well and fully meet the needs of the 21<sup>st</sup> century?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
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5. If you have answered 'No' to Question 4, please suggest how the Convention could be improved. Continue on a separate page if necessary.

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6. Do you think that in the 21<sup>st</sup> century the need for honorary consulates will:

Remain the same	
Increase	
Diminish	

7. Has the introduction of devolved government in Scotland and Wales had any effect on your country's consular representation?

Yes		No	
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8. If you have answered 'Yes' to Question 7, please give details

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9. Is there a local consular corps or association in your district?

Yes		No	
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10. If you have answered 'Yes' to Question 9, are you a member?

Yes		No	
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11. If you have answered 'Yes' to Question 10, please give the name of the corps or association, and the name and address of its official correspondent.

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12. Are there any other topics or matters that have not been included in this questionnaire and that you would like to mention?

Yes		No	
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13. If you have answered 'Yes' to Question 12, please give details (continue on a separate page if necessary).

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14. If the need should arise, for example to obtain clarification on any points, would you be willing to have a brief informal discussion, either by telephone or by a personal visit?

Yes	<input type="checkbox"/>
-----	--------------------------

No	<input type="checkbox"/>
----	--------------------------

**PART V FINALLY**

Thank you for your cooperation and for taking the time to provide the foregoing information for the Survey.

Will you please sign here: .....

Date:

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------

Please return this questionnaire to: Nicholas M Keegan  
111 Moor Crescent  
Durham  
DH1 1DL

If you have any questions or would like clarification on any points, please telephone me on: 0191 386 1677, or E-mail me at: [n.m.keegan@durham.ac.uk](mailto:n.m.keegan@durham.ac.uk)

**FOR OFFICE USE ONLY**

Date rec'd    Ref. No.  ..... In DB

## Appendix C

### Consular Survey 2000: questionnaire sent to honorary consuls



DEPARTMENT OF POLITICS  
CONSULAR SURVEY 2000

*To be completed by the Honorary Consular Officer in charge of a Consulate General, Consulate, Vice Consulate, Honorary Commission, or Consular Agency*

This is the first time that a nationwide survey has been undertaken of the extensive consular network that exists throughout the United Kingdom. Your participation and cooperation are therefore crucial to the success of the survey. By completing this questionnaire you will be contributing to a better understanding of this important but relatively neglected area of international relations.

It is appreciated that a number of honorary consular officers represent more than one country. If you are such a consul, you will receive separate questionnaires from your respective embassies or consulates general. It was not felt practicable to have an ad hoc questionnaire for multi-country consuls. Will you please, therefore, complete a separate questionnaire for each country that you represent. If you have not received a questionnaire for all the countries that you represent, please contact me for copies at the address shown on the last page of this questionnaire.

Please place a cross in the relevant boxes.

After you have completed the questionnaire, please sign it on the last page and return it to the address shown on that page.

A separate questionnaire has been prepared for the use of career consular officers.

**PART I YOUR PERSONAL DETAILS** (Please use block capitals)

- 1. First name .....
- 2. Middle name(s) .....
- 3. Last name .....

4. Title 

Mr	<input type="checkbox"/>
----	--------------------------

Mrs	<input type="checkbox"/>
-----	--------------------------

Miss	<input type="checkbox"/>
------	--------------------------

Ms	<input type="checkbox"/>
----	--------------------------

Other. Please specify	<input type="text"/>
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5. Do you represent more than one country? 

Yes	<input type="checkbox"/>
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No	<input type="checkbox"/>
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6. If you have answered 'Yes' to Question 5, please give names of countries.


7. Country which is the subject of this questionnaire. ....

8. Appointment

Honorary Consul General	<input type="checkbox"/>	Honorary Consul	<input type="checkbox"/>	Honorary Commissioner	<input type="checkbox"/>
		Honorary Vice Consul	<input type="checkbox"/>		
				Consular Agent	<input type="checkbox"/>

9. Official address .....  
 .....  
 .....

10. City .....

11. Postcode .....

12. Telephone No. ....

13. E-mail address .....

14. Web Page .....

15. Date of Birth 

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16. Are you: 

Male	
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Female	
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17. Nationality .....

18. Date of your exequatur. 

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19. What is the normal retirement age for this appointment?

46-50 years	
51-55 years	
56-60 years	
61-65 years	
Over 65 years	

20. What is your educational background?

Comprehensive school, not followed by university	
Comprehensive school, followed by university	
Grammar school, not followed by university	
Grammar school, followed by university	
Independent school, not followed by university	
Independent school, followed by university	

21. What is your principal occupation?

Accountant	
Ship Broker	
Shipping Agent	
Solicitor	
Surveyor	
Other. Please specify	

22. Do you have a knowledge of the language(s) of the country that you represent?

Yes	
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No	
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23. If you have answered 'Yes' to Question 22, please state which language(s) and whether speaking and/or reading.

Language(s)	Speaking	Reading

24. How many of your staff have a knowledge of the language(s) of the country that you represent?

Please state number	
None	

25. For those members of staff who have a knowledge of the language(s), please state which language(s) and whether speaking and/or reading.

Number of staff	Language(s)	Speaking	Reading

26. How did you obtain your post?

It was advertised	
I was approached by the embassy or consulate general	
It was 'handed down' in my company	
It was 'handed down' in my family	
I was recommended by my predecessor	
Other. Please specify	

27. Do you receive any payment for your consular duties?

Yes	
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No	
----	--

28. If you have answered 'Yes' to Question 27, is the payment:

An amount to cover postages, stationery, etc.	
An honorarium	
Other. Please specify	

29. Please indicate the range of the annual payment. **This information is for statistical purposes only and will not be identified against individuals.**

Less than £100	
£100-£500	
£501-£750	
£751-£1000	
£1001-£1500	
£1501-£2000	
More than £2000	

30. Did you receive any training for this post?

Yes	
-----	--

No	
----	--



31. If you answered 'Yes' to Question 30, what form did the training take?

(a) A general introduction to consular duties, lasting one or two days, at the consulate general	
(b) As in (a), but at the embassy	
(c) A one or two day visit by a member of the staff of the consulate general	
(d) As in (c), but by a member of the embassy staff	
(e) Other. Please specify.	

32. If you represent more than one country, do you ever have conflicts of interests?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
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33. If you answered 'Yes' to Question 32, please give details.

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**PART II INFORMATION ABOUT THE CONSULAR POST**

1. Did the country that you represent ever have a full-time career consulate in your town or city?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Don't know	<input type="checkbox"/>
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2. How many staff, including yourself, are employed on consular duties?

British nationals	
Foreign nationals. Please specify below	
<b>TOTAL NO. OF STAFF</b>	

3. Which geographical areas are included in your consular district?

.....

.....

.....

4. Where is your superintending consulate general located? .....

5. How frequent are your contacts with your superintending consulate general?

Daily	<input type="checkbox"/>	Weekly	<input type="checkbox"/>	Monthly	<input type="checkbox"/>	Quarterly	<input type="checkbox"/>	Every 6 months	<input type="checkbox"/>	Annually	<input type="checkbox"/>
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6. Were any of your predecessors in this post persons who were well-known, or who subsequently became well-known — either as consuls or in other occupations?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
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7. If you have answered 'Yes' to Question 6, please give details. Continue on a separate page if necessary.

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<b>PART III INFORMATION ABOUT CONSULAR WORK</b>
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1. Using the functions listed below, please indicate the percentage of time spent on them by you and your staff during a typical year. Do not group any of the functions together. It is appreciated that some of these functions are not undertaken in an honorary consulate and also that there is not, generally, a high volume of consular work.

	%		%
Passports and visas		Property and estates	
Emigration		Electoral/voting arrangements	
Trade and commerce		Pensions and social security	
Tourism		Cultural	
Matters relating to ships and aircraft, and their crews		Education	
Civil registration		Reporting on political and economic conditions	
births		Attending official social events	
marriages		Other. Please specify below	
deaths			
Performing marriage services			
Notarial services (see Note)			
Hospital visits			
Arrests and detentions			
Visiting convicted prisoners			
Serving of legal process/subpoenas			
Taking evidence on behalf of your courts			
Obtaining police reports, court proceedings or records in cases involving your nationals			
Repatriation of nationals			
Extradition of suspected criminals			
Child custody disputes and abductions			100%

**NOTE**

'Notarial services' includes administering oaths, legalising signatures, and authenticating copies and translations of official or private documents.

2. How frequently do you submit reports to your superintending consulate general regarding consular activities?

Weekly	
Monthly	
Every 3 months	
Every 6 months	
Annually	

3. Are these or any other consular reports published?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

4. If you have answered 'Yes' to Question 3, are you able to forward a recent example to this survey?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

5. Have you been given a manual of consular instructions?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

**PART IV GENERAL**

1. Please indicate whether you agree or disagree with the following statements.

	Agree	Disagree
Consuls have greater opportunities than diplomats to make contact with local authorities, organisations, and nationals of the receiving state.	<input type="checkbox"/>	<input type="checkbox"/>
Consulates provide an efficient and cost-effective means of gathering and disseminating information.	<input type="checkbox"/>	<input type="checkbox"/>
With the rapidly increasing spread and use of information technology, there is no longer a need for consulates.	<input type="checkbox"/>	<input type="checkbox"/>
When travelling in a foreign country, people expect their country to have a consulate there.	<input type="checkbox"/>	<input type="checkbox"/>
People who experience difficulties when travelling abroad are generally surprised at the relatively limited extent of assistance that can be given to them by their consulates.	<input type="checkbox"/>	<input type="checkbox"/>

2. Could any consular functions be privatised?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

3. If you have answered 'Yes' to Question 2, please give examples

.....

.....

.....

.....

4. As you know, consular relations throughout the world are governed by the Vienna Convention on Consular Relations 1963 and by bilateral consular conventions. Do you think that the Vienna Convention generally works well and fully meet the needs of the 21<sup>st</sup> century?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

5. If you have answered 'No' to Question 4, please suggest how the Convention could be improved. Continue on a separate page if necessary.

.....

.....

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.....

.....

6. Do you think that in the 21<sup>st</sup> century the need for honorary consulates will:

Remain the same	
Increase	
Diminish	

7. Has the introduction of devolved government in Scotland and Wales had any effect on the consular representation of the country that you represent?

Yes		No	
-----	--	----	--

8. If you have answered 'Yes' to Question 7, please give details

.....

.....

9. How frequently do you visit the country that you represent?

Once each year	
More than once in a year	
Every two years	
Every three years	
Every four years	
Every five years	
Only when required	

10. Do you receive an expenses-paid invitation to visit the country that you represent?

Yes		No	
-----	--	----	--

11. Have you received any honours, awards, or decorations from the country that you represent?

Yes		No	
-----	--	----	--

12. Is there a local consular corps or association in your district?

Yes		No	
-----	--	----	--

13. If you have answered 'Yes' to Question 12, are you a member?

Yes		No	
-----	--	----	--

14. If you have answered 'Yes' to Question 13, please give the name of the corps or association, and the name and address of its official correspondent.

.....

.....

.....

.....

.....

.....

15. Are there any other topics or matters that have not been included in this questionnaire and that you would like to mention?

Yes		No	
-----	--	----	--

16. If you have answered 'Yes' to Question 15, please give details (continue on a separate page if necessary).

.....  
 .....  
 .....  
 .....

17. If the need should arise, for example to obtain clarification on any points, would you be willing to have a brief informal discussion, either by telephone or by a personal visit?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

<b>PART V FINALLY</b>
-----------------------

Thank you for your cooperation and for taking the time to provide the foregoing information for the Survey.

Will you please sign here: .....

Date:

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------

Please return this questionnaire to: Nicholas M Keegan  
 111 Moor Crescent  
 Durham  
 DH1 1DL

If you have any questions or would like clarification on any points, please telephone me on: 0191 386 1677, or E-mail me at: [n.m.keegan@durham.ac.uk](mailto:n.m.keegan@durham.ac.uk)

<b>FOR OFFICE USE ONLY</b>
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Date rec'd

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------

Ref. No.

<input type="checkbox"/>
--------------------------

..... In DB

<input type="checkbox"/>
--------------------------

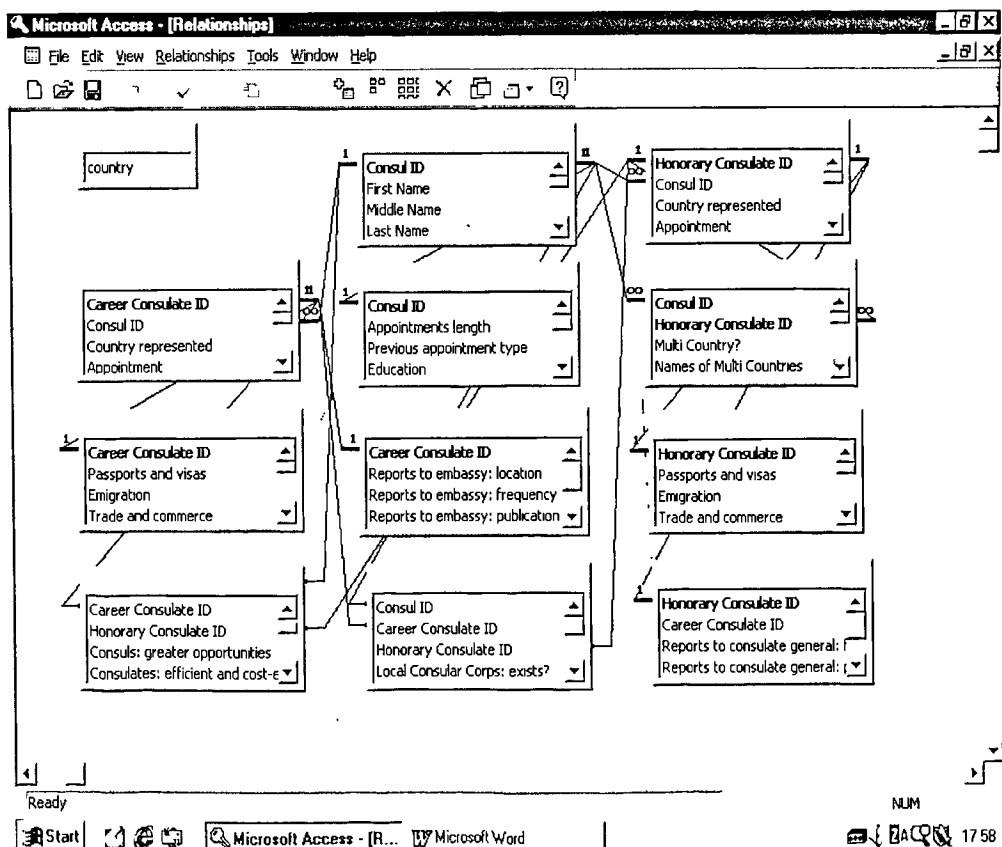
## Appendix D

### Survey of Consular Representation in the United Kingdom Design and operation of the computerised relational database

As explained in Chapter 9, a computerised relational database was designed in order to facilitate the analysis and interpretation of the data provided by consuls in the questionnaires. Details of the design and operation of the database are set out below.

Figure (a) is a pictorial representation of the computerised database. The boxes are Tables of logical groups, each of which contains Fields. The Fields contain every consul's response to each of the questions set out in the questionnaires. In order to interrogate or query the Tables to obtain information it is essential that relationships be established between them. These relationships are indicated on the figure by the lines that link them. Relationships themselves are of several different types, but need not be described here.

Figure (a)



Printing limitations do not permit all the Fields within the Tables to be shown. However, an idea of the extent and scale of these may be gained when it is realised that each of the Tables in Figure (a) contains considerably more Fields than is shown. For example, the Tables for *Career Consuls: Duties* and *Honorary Consuls: Duties* (column one, second of the larger boxes, and column three, third of the boxes, respectively) each contain thirty different Fields.

Data from the responses to each question on each questionnaire were entered on the database's Forms. Each consul is allocated a unique identifying number and a Form and Sub-forms. Figure (b) shows the opening page of a Form. This procedure is repeated for each completed questionnaire. As can be seen, the data entry of several hundred questionnaires was a lengthy process.

Figure (b)

The screenshot shows a Microsoft Access form with the following fields and controls:

- Form Header:** Microsoft Access - [Consuls Personal] (Career and Honorary)
- Menu Bar:** File, Edit, View, Insert, Format, Records, Tools, Window, Help
- Form Fields:**
  - First Name: [Text Box]
  - Middle Name: [Text Box]
  - Last Name: [Text Box]
  - Consul ID: [Text Box]
  - Type: [Text Box]
  - Title: [Text Box]
  - Appointment: [Text Box]
  - No of countries: [Text Box] (Value: #Error)
  - Countries represented: [Text Box]
- Form Footer:**
  - Address Details: [Button]
  - Post(s) Details: [Button]
  - Record: 1 of 1
  - Form View
- Taskbar:** Start, Consular Survey 2, Microsoft Access, 17:03

After data have been entered in each of the boxes on this Form the Address Details button is activated and reveals a Sub-form (Figure (c)).

Figure (c)

Microsoft Access - [Consul Personal (Address Details)]

File Edit View Insert Format Records Tools Window Help

Address Consul ID  
[AutoN]

City \_\_\_\_\_

Postal Code \_\_\_\_\_

UK Area \_\_\_\_\_

Telephone number \_\_\_\_\_

E-mail address \_\_\_\_\_

Web Page \_\_\_\_\_

Birth date \_\_\_\_\_

Gender \_\_\_\_\_

Exequatur date \_\_\_\_\_

Willing to be interviewed? \_\_\_\_\_

Notes \_\_\_\_\_

Form View FLTR NUM

Start Microsoft Access - [C... Microsoft Word 17.11

After entering the details, we return to the opening page and activate the Post(s) Details button; this reveals a further Sub-form (Figure (d)).

Figure (d)

Microsoft Access - [Career Consular Posts]

File Edit View Insert Format Records Tools Window Help

First Name: \_\_\_\_\_ Title: \_\_\_\_\_ Career Consulate ID: [Auto]

Middle Name: \_\_\_\_\_ Appointment: \_\_\_\_\_ Consul ID: \_\_\_\_\_

Last Name: \_\_\_\_\_ Country represented: \_\_\_\_\_

Post | Employment | Duties | Reports | Views | Miscellaneous

Embassy Consular Section

Consulate General

Consulate

Staff Numbers: British \_\_\_\_\_

Staff Numbers: Foreign \_\_\_\_\_

Staff Numbers: Total \_\_\_\_\_

Consular District \_\_\_\_\_

Number of Honorary Consuls \_\_\_\_\_

Locations of Honorary Consuls \_\_\_\_\_

Frequency of contact with Honorary Consuls \_\_\_\_\_

Predecessors?

Predecessors details \_\_\_\_\_

Notes \_\_\_\_\_

Form View FLTR NUM

Start Microsoft Access - [C... Microsoft Word 17.13



Each of the smaller Sub-forms on this, resembling tabbed index cards—ranging from Post to Miscellaneous—is opened and reveals yet more Sub-forms into which data are entered. Once data from all the questionnaires have been entered in the Forms and Sub-forms the database can be ‘interrogated’ to produce a vast amount of varied information.

**Appendix E****Survey of Consular Representation in the United Kingdom****Countries which participated**

Albania	Nauru
Australia	Netherlands
Austria	Norway
Azerbaijan	Panama
Barbados	Kuwait
Belgium	Kyrgyzstan
Belize	Latvia
Benin	Lithuania
Brazil	Madagascar
Burkina Faso	Malawi
Canada	Malta
Chile	Mauritania
China	Mexico
Colombia	Monaco
Czech Republic	Mongolia
Denmark	Philippines
Dominican Republic	Poland
Estonia	Portugal
Finland	Romania
France	Russia
Germany	Slovak Republic
Greece	Slovenia
Guatemala	Spain
Guinea	Sweden
Guyana	Tajikistan
Hungary	Thailand
Iceland	The Gambia
India	Trinidad
Indonesia	Tunisia
Ireland	Turkey
Italy	Tuvalu
Jamaica	United States of America
Japan	Venezuela
Kazakhstan	Vietnam

**Appendix F****Survey of Consular Representation in the United Kingdom****Locations and types of consulates participating in the Survey****(C = Career; H = Honorary)*****England***

Altrincham, Cheshire (H)  
Bedford (C)  
Beverley, Yorks. (H)  
Birkenhead (H)  
Birmingham (C & H)  
Boston, Lincs. (H)  
Bristol (H)  
Cheltenham, Gloucestershire (H)  
Chester (H)  
Chesterfield, Derbyshire (H)  
Dover (H)  
Falmouth, Cornwall (H)  
Fleetwood, Lancashire (H)  
Harwich, Essex (H)  
Hove, Sussex (H)  
Hull, Yorkshire (H)  
Immingham, N Lincs. (H)  
Kidderminster, Worcs. (H)  
Kings Lynn, Norfolk (H)  
Leeds (H)  
Liverpool (H)  
London (C & H)  
Lowestoft, Suffolk (H)  
Manchester (H)  
Middlesbrough, Yorkshire (H)  
Newcastle upon Tyne (H)  
North Ferriby, E Yorks. (H)  
North Shields, Tyne & Wear (H)  
Northampton (H)  
Norwich (H)  
Nottingham (H)  
Penzance, Cornwall (H)  
Plymouth (H)  
Rochdale, Lancashire (H)  
Rushwick, Worcs. (H)  
Sevenoaks, Kent (H)  
Sheffield (H)  
Shoreham by Sea, Brighton (H)  
Solihull, West Midlands (H)  
Southampton (H)

Stanmore, Middlesex (H)  
Ulverston, Cumbria (H)  
Wetherby, W Yorks. (H)  
Wigan, Lancashire (H)  
Wilmslow, Cheshire (H)  
Workington, Cumbria (H)

***Scotland***

Aberdeen (H)  
Ardrossan, Ayrshire (H)  
Blairgowrie, Perthshire (H)  
Dundee (H)  
Edinburgh (C & H)  
Glasgow (H)  
Grangemouth, Stirlingshire (H)  
Irvine, Ayrshire (H)  
Kirkwall, Orkney (H)  
Larbert, Stirlingshire (H)  
Ledaig, Argyll (H)  
Lerwick, Shetland (H)  
Rousay, Orkney (H)  
Stornoway, Lewis (H)  
Tillicoultry, Clackmannanshire (H)

***Wales***

Barry, Glamorgan (H)  
Bridgend, Glamorgan (H)  
Cardiff (C & H)  
Cowbridge, Glamorgan (H)  
Penarth, Glamorgan (H)  
Swansea (H)

***Northern Ireland***

Belfast (C & H)  
Larne (H)

***Channel Islands***

Guernsey, St Peter Port (H)  
Guernsey, St Sampsons (H)  
Jersey, St Clement (H)  
Jersey, St Helier (H)

***Isle of Man***

Douglas (H)  
Port St Mary (H)

## Appendix G

### Survey of Consular Representation in the United Kingdom

#### Occupations of participating honorary consuls

Accountant	Project Manager
Airline Pilot	Public Servant
Architect	Restaurateur
Builders' Merchant/Shipping Co.	Retailer
Businessman	Retired
Unspecified	Accountant
Owner car hire company	Ambassador
Chairman/Man'g Dir/Director/Chief Exec	Army Officer
Airline	Banker
Carlsberg/Tetley	Builder & Developer
Family business	Businessman (Cash & Carry)
Insurance Company	Chairman, Conglomerate
Unspecified	Company Director
Civil Servant	Dir., University Lang. Centre
Clergyman	Fishing Manager
Coastguard	Pensioner
Company Director	Shipping Agent
Company Secretary	Unspecified
Consultant	Scientist
Business	Ship Agent & Garden Designer
Human Development	Ship Broker
Language	Ship Broker & Shipping Agent
Unspecified	Ship Builder/Owner
Curator	Ship Chandler
Economist (Banker)	Shipping Agent
Engineer	Software Developer
Chartered	Solicitor
Consulting	Surveyor
Export Promoter	Teacher
Farmer	Textiles
Financier	Travel Agent
Forest Products Group	University Staff
Harbour Master	Administrator
Hotel Proprietor	Law Professor
Industrialist	Lecturer/Teacher
Insurance	Research Director
International Trading	Unspecified
International Transport	Window Manufacturer
Investment Manager	Writer & Broadcaster
Landowner & Businessman	
Manager	
Office	
Unspecified	
Mature Student	
Personal Assistant	
Physician	
Port Manager	

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