

‘States not Governments’: Reforming Britain’s practice on Diplomatic Recognition, 1973-80

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The subject of recognition is an elusive one in international law and little discussed by international historians.¹ Yet, it is basic to the way relations are conducted between states. Put simply, they cannot easily communicate if they do not recognise one another’s existence. The question is elusive because, despite a few generally accepted rules, such as not withdrawing recognition once it is given – though even that has had its exceptions – in practice governments may take their own subjective, pragmatic and sometimes contradictory approach to the question. Decisions are shaped by such diverse factors as historical practice, current political expediency and predictions about the durability of any would-be regime. One important difference in twentieth century practice was between those countries, including Britain down to 1980, which extended recognition to particular *governments* and those that preferred to focus simply on the recognition of *states*. In February 1967 the Foreign Secretary, George Brown, summed up the then-British policy as follows:

The general practice which Her Majesty’s Government have followed... is to recognise *de jure* a Government, established by revolutionary action, when Her Majesty’s Government considers that the new Government enjoys, with a reasonable prospect of permanence, the obedience of the mass of the population and the effective control of much the greater part of the territory of the State concerned.²

However, on 28 April 1980 one of Brown's successors, Lord Carrington, announced a fundamental change in British practice. Based on a review first announced to parliament soon after Margaret Thatcher's government took office, 'we have decided that we shall no longer accord recognition to Governments.' Henceforth, the British would 'recognise States in accordance with common international doctrine.'³ This reform followed several years of discussion within the Foreign and Commonwealth Office (FCO), a discussion which was influenced by particular problems over recognition and by membership of the European Community (EC), most of whose members already recognised 'states not governments'. This article investigates how and why such a change in British practice came about.

British Practice before 1973

The British criteria for recognition, both before and after Carrington's announcement, revolved *not* around moral questions like human rights or respect for liberal values, but around *practical* questions about who held effective power in a particular state. Hence, in Brown's 1967 statement, emphasis was laid upon three factors: 'effective control' of territory, the 'obedience of the mass of the population' and the assurance of a 'reasonable prospect of permanence' from the regime. In essence, London wanted to know whom it should deal with on such everyday, practical questions as commercial exchanges, debt repayment, legal obligations and the protection of British citizens. Under pre-1980 practice, it was certainly not necessary to renew recognition with every change of government, so long as these changes were made in a *constitutional* fashion. However, unconstitutional changes, such as those brought about by the overthrow of a monarchy or by a military coup (the latter an increasing problem in the 1960s), did call for a decision on whether to conduct business with the

new regime. Notwithstanding the complex debate surrounding such cases, the way recognition was given effect was surprisingly simple: there was no ceremony or special document; London simply began to conduct normal diplomatic correspondence with whatever authority it recognised. In most cases, there was little debate about who to recognise, because there was little debate about who held power. This was so even when the British could have little liking for the change of government. Thus, in early 1966 London quickly decided to maintain relations with the military government of Nigeria, which had just ousted the Commonwealth country's post-independence civilian government in a particularly violent coup.⁴ But there were cases when a decision was not so swift.

Sometimes there was room for debate over the fundamental question of whether a change of leadership was indeed 'unconstitutional'. When the military seized power in Greece in April 1967, for example, the question of recognition was posed, but most Western countries continued to deal with Athens because the head of state, King Constantine, remained in place. Here, the fact that Greece was a fellow member of NATO undoubtedly influenced the decision to work with the Colonels who had seized power; in any case, whatever the popular concern that events aroused in Britain, the junta clearly had control of the country's territory and population.⁵ Constantine's banishment in December 1967 led to a much more prolonged debate over the issue of recognition. But, again, there was soon no doubt that the Colonels controlled Greece and, barely a month later, London decided 'to resume doing business' with them.⁶ In other instances, there was a prolonged period of doubt about whether a new regime had a secure hold over its territory and population. This was especially true in cases where a civil war broke out. For example, when Imam

Mohammed Al-Badr of the Yemen was overthrown in 1962, London refused to recognise the new republican regime because, while it apparently commanded the obedience of most of the population, Al-Badr himself escaped and began a counter-insurgency.⁷ Sometimes the debate surrounding a decision could become very complex. When Bangladesh, with Indian military support, declared its independence from Pakistan in 1971-2 there was soon little doubt that the new government had firm control of its territory and the obedience of its population. However, London was reluctant to offend the Pakistan, a Commonwealth member and close ally of the United States. Recognition of the new state was delayed for several weeks, until well after the FCO's usual criteria for recognition had been fulfilled.⁸

Clearly, albeit to a limited extent, recognition might be used as a political weapon, to express approval or disapproval of a new regime, and perhaps to influence its policies. But in most cases the United Kingdom did not let ideological or moral questions affect recognition. In May 1975, for example, there was hardly any debate about recognising the extremist Khmer Rouge government in Cambodia, which had toppled the pro-Western Lon Nol.⁹ Nonetheless, 'normal' practice often had its exceptions. During the post-war period, the Cold War had a particular impact on British behaviour. London did not recognise such Communist regimes as East Germany, North Korea and North Vietnam in the 1960s even though they had firm control over a precisely-defined territory. These three cases involved recognition not of a *government* of course, but of a *state* that claimed to have an independent existence, and in all three instances there was another, pro-Western state (respectively, West Germany, South Korea and South Vietnam) that claimed to be the sole legitimate government of the contested territory. This raised complex legal issues

and London would have been unusual indeed if it had broken ranks with the rest of the Western alliance and recognised any of these 'states'. However, Britain entered into diplomatic relations with North Vietnam and East Germany in 1973-4, helped by the end of the Vietnam War in the first case and by progress on East-West détente in the second. It did so with the approval of the US, West Germany and other allies, a point that shows how the behaviour of other states might influence British thinking.

Another regular consideration in British policy was the well-being of the Commonwealth, which faced numerous changes of regime in member states by the 1960s. Significantly, a 1967 Commonwealth Office memorandum noted that Britain 'consistently sought to avoid the formal recognition of new regimes after coups in Commonwealth states', for a number of reasons. London did not want to seem to condone illegality, to back a particular political faction or to appear to interfere in domestic matters; above all, it wanted 'to avoid too pointedly the charge... of having neo-colonialist or otherwise hostile motives.' For the moment, London escaped such difficulties by waiting to see what other Commonwealth (or, in Africa, African) states did in recognising new regimes. The memorandum made no mention of a 'states not governments' approach as an alternative way out of the problem.¹⁰

Of course, by the early 1970s British diplomats were well aware that many other governments followed the practice of recognising 'states not governments.' There was one powerful reason why this approach was increasingly adopted. It was felt, especially in the Third World, that recognition of particular governments was an insulting practice that smacked of interference in a country's internal affairs. It amounted to 'neo-colonialist' behaviour. Latin Americans led the way, following

Mexico's adoption of the so-called 'Estrada Doctrine' (named after its foreign minister) in 1931, largely because they resented American meddling in domestic politics throughout the Western Hemisphere. But FCO legal experts¹¹ were strongly opposed to adopting the 'states not governments' approach and could be quite caustic about it. In February 1972 one of them, Sir Vincent Evans, claimed that he had yet to hear 'any coherent explanation' of it and that, 'despite its superficial attraction' it could not solve what he called 'the problem of recognition...' While agreeing the proposition that 'each State's choice of Government is an internal domestic matter' he argued that this principle, in itself, did not help other States to identify who really held power. The question was an important one, legally and politically, because recognised governments had significant rights in the international sphere. They could sign treaties, obtain diplomatic immunities for their representatives and claim immunity from the jurisdiction of foreign courts. In most cases, the decision on recognition after a coup was easy enough but, where a 'claimant appears insecure or there are rival claimants, the problem is more difficult...' and there was a need for certain criteria to be used in helping a decision, such as those Britain used. For Evans, recognition of 'states not governments' was 'no more than the adoption of a practice which studiously avoid formal acts of recognition whenever possible, relying instead on recognition by implication.'¹² The FCO lawyers became tenacious opponents of any change in British practice.

Chile, Greece and European Community membership, 1973-4

The seminal case that sparked intense debate in the FCO over the very basis of British practice on recognition was that of Chile. In September 1973 its President, Salvador Allende, was overthrown by the military under General Augusto Pinochet. The coup

provoked moral outrage throughout the West. Allende may have been a Marxist but he was also democratically-elected, whereas Pinochet's regime immediately set out on a ruthless campaign to imprison or liquidate its opponents. There were numerous appeals from the British public not to recognise the new regime.¹³ Of course, such appeals were based on a belief that moral questions should influence decisions on recognition. But, as seen above, British criteria for recognition were based on more mundane principles and the FCO's Latin American Department was clear that the Pinochet regime fulfilled the normal expectations. Arguments about morality, or the fact Allende was freely elected were beside the point. Pinochet now controlled the territory and its population, so he ought to be recognised, just as Britain had recognised other Latin American military regimes following recent coups in Argentina (1966), Peru (1968) and Ecuador (1972) – cases in which the Press and public had shown little interest.¹⁴ Although there was no duty under international law to recognise regimes, the British generally acted as though they *were* under an obligation to recognise once their criteria were met.¹⁵

Significantly, when discussing the recognition of Pinochet's regime the FCO decided to sound out their eight partners in the EC, which the Conservative government of Edward Heath had joined at the start of the year. Most of these already took a different approach to Britain on recognition, extending this to states not particular regimes. Having adopted this approach some years before, France was especially quick to enter into normal diplomatic contacts with Pinochet, avoiding discussion about whether and when to extend recognition. Following the public outrage provoked by the Pinochet coup in Britain, the Foreign Secretary, Alec Douglas-Home, wanted to know from the FCO legal advisers – in 'a very brief

answer' rather than 'a long legal treatise' - whether it was possible to 'move to the French system thereby avoiding a lot of... heart searching whenever a change of regime takes place...'.¹⁶ Of course, Vincent Evans had already made his views on the French system clear the previous February and his minute was sent to Douglas-Home by way of response. One of the Legal Counsellors, Fred Burrows, added, in a covering note, that even 'the French position is not really very different from our own' because, after any violent change of regime, Paris still had to decide who was in control of a state. 'The only difference is that the French... have decided not to call it "recognition" This may, or may not, help them to avoid answering awkward questions in the initial stages, but it does not enable them to avoid taking decisions' on recognition.'¹⁷

Burrows clearly had little time for the French approach, yet he had touched on a key point when he wrote that the French were able, by their practice, to 'avoid answering awkward questions in the initial stages.' It was a point that seemed increasingly important to British diplomats in the field. As one pointed out:

whatever the legal arguments are, the fact is that we find that the act of "recognition" attracts more attention and therefore more political difficulties than it does in other countries of NATO... I agree that changing our policy to recognition of "States" not "Government" is, in fact, when analysed, mere semantics without any practical meaning, but if it would make it easier for us to avoid a formal "Act of Recognition", why not adopt it?¹⁸

Robin Hooper, the Ambassador to Athens, was another official who felt it worth looking at a change of practice because it seemed so much easier to avoid controversies by following the 'states not governments' approach. Hooper had

recently been through another agonised debate about a constitutional change in Greece (the third since April 1967) when, in June 1973, the military junta finally abolished the Greek monarchy. This had stirred up more complaints from the Press about dealing with a dictatorship but, yet again, the junta fulfilled the British criteria for recognition. The British consulted their EC allies on the point only to find that most did not consider there was an issue of recognition. Significantly, after this EC consultation, Hooper was instructed by the FCO to ‘play down the recognition aspect’ in any public dealings and even to ‘avoid using the word’ recognition.¹⁹ Then, in November, the junta underwent an internal coup, which led to another change of leadership. London again consulted its EC partners and again found that, because they recognised ‘states not governments’, the issue of recognition did not arise. Denmark alone, it seemed, shared the British approach. As an official in the Southern Europe Department noted, British policy was to recognise ‘the people in power as soon as we are sure they are firmly in the saddle, whether we like them or not.’ It was supposed to be a practical question about where power rested, not a moral one about their conduct. But the debate that followed any ‘unconstitutional’ change of regime drew attention to the fact that Britain was *choosing* to deal with unsavoury characters. The ‘states not governments formula’, by seeming to sidestep the issue of choice, ‘avoids the criticisms which the British policy attracts.’²⁰

Such concerns led Douglas-Home to request another, fuller submission on what he called ‘the French doctrine of recognition.’²¹ However, despite the rising crescendo of concern from their Diplomatic Service colleagues, the FCO legal team continued to express deep scepticism about a possible change of policy, in caustic tones similar to those used by Evans. An initial response by one of the Legal

Counsellors, Ian Sinclair, dismissed 'the so-called French doctrine' as 'neither coherent nor rational.' French practice after a coup was to resume diplomatic business only after the situation in a state had stabilised and it was clear who held authority. 'This is almost indistinguishable from our own practice..., the only difference being that we regard the resumption of business... as constituting an act of recognition.'

Neither was it clear how the French practice helped in a situation of civil war, where two authorities claimed to be the legal government of a state. Sinclair amplified Evans' point that recognition carried with it serious legal consequences. For example, in actions before the British courts, a recognised government could claim immunity against civil proceedings and claim title to property held by its predecessors. The FCO, when requested, issued legally binding certificates to the courts, stating the date from which foreign governments were recognised. He pointed out that at least one eminent French international lawyer, Professor Charles Rousseau, was 'scornful' of the 'states not government' approach and also that United States policy, which had 'previously given much greater weight to political considerations' had moved closer to British practice in recent years. Furthermore, whatever the 'superficial' attraction of French practice, if Britain adopted it, it this would not guarantee that controversies could be avoided, because 'we would be bound in any event, if pressed, to concede... that the act of resuming diplomatic links amount to tacit recognition.'

Ministers were not put off by such a quick-fire response and, in reply to Sinclair's minute, Anthony Royle, the Parliamentary Under-Secretary of State, asked for a full report about the practice of other EC members who claimed to follow the 'states not government' formula.²² This led to several weeks of study. The position was, to say the least, confused. For example, despite what had happened after the

latest coup in Athens, when the British embassy believed the Germans followed a ‘states not governments’ approach, Sinclair pointed to a report by the legal adviser to Britain’s Bonn embassy, which insisted that ‘Germany does require to accord recognition, but it may be done informally.’ Belgian practice was felt to be ambiguous, while Denmark was understood to follow British practice.²³ In contrast, the Southern European Department, which had recently had to deal with the unconstitutional changes in Greece, was confident that all the EC members other than Denmark (and including West Germany) followed a ‘states not government’ line. Reporting on this, one of its members, Robert Cornish, pointed to criticism of recent British decisions on recognition in Parliament and the media. He argued that London could be ‘left out on a limb’ in relation to its EC partners and added his opinion that the majority practice ‘makes good sense.’²⁴

Others took a different view. In early January 1974, a brief report about Italian and Dutch practice was produced by the FCO’s Research Department, based on a number of recent case studies of recognition. Despite its factual nature, this gave weight to the legal advisers’ case. For example, while both countries seemed to recognise ‘states not governments’, they had to wait until a situations had settled down after a coup, had to decide on the precise timing of any resumption of diplomatic business and had found that dealing with the Pinochet regime sparked bitter public controversy.²⁵ Sinclair felt there was clear evidence that the Italians ‘do attach significance to the formal act of acknowledging a note from a new regime’, while the Dutch presented ‘a case where lip-service may be paid to the French doctrine but where in practice the same problems are encountered’ as Britain.²⁶ For the moment this is where the discussion rested, no submission to the Foreign

Secretary being possible before the Heath government lost office in the hastily-called election of February 1974. However, it was clear that the debate surrounding recognition was unlikely to fade away. As Colin Warbrick has argued, the growing number of independent states in the world inevitably meant ‘the increasing frequency of irregular change of government’ and it became ‘progressively harder for the British government to maintain successfully that its recognition of the new authorities [was] a technical and neutral operation.’ Greece and Chile were only the most difficult cases where the British recognised a new regime ‘despite the constitutional illegitimacy of their coming [to] power and the political antipathy with which they were regarded.’ Other countries faced the same challenge, of course, and they too were shifting their practice. France had been quick off the mark with its variation of the Estrada doctrine. But also, the United States, which had previously been quite blatant in its use of recognition almost as a political weapon, now tended to accept new regimes after a short time without making much of the formal recognition process.²⁷

The Debate under Labour, 1974-9.

Douglas-Home’s departure did not bring any respite for the legal advisers. Instead, the Foreign Secretary of the incoming Labour administration, James Callaghan, also asked for a report on French practice.²⁸ Nonetheless, Evans continued doggedly to defend existing British practice. Repeating his earlier arguments, but at greater length, in a minute of 22 May 1974 he underlined that British policy was akin to that followed by Washington and Commonwealth countries. The ‘French doctrine’ was ‘legally unsound and... unworkable save in straightforward cases’ and, while other EC members might claim to use the ‘states not governments’ formula, they often differed among themselves about timing diplomatic contacts with new regimes.

Indeed, having obtained fuller information on EC practice since the New Year, Evans now believed that only Belgium and Luxembourg actually followed 'French' practice, though he acknowledged that not all British diplomats shared his interpretation. A telegram from the Lisbon embassy, for example, in the wake of the 'Carnation Revolution' that overthrew Portugal's long-running dictatorship in April, reported that all EC members 'except ourselves share the French policy...' Evans also underlined his arguments that a failure to be clear about recognition would 'in effect to the Courts a responsibility which has hitherto been exercised by the Secretary of State', because some legal cases could turn on the question of which government Britain recognised at any given time.²⁹

Evans' views seem largely to have satisfied Labour ministers, but not Britain's diplomats.³⁰ In September 1974, John Leahy of the Paris embassy launched something of a campaign in favour of 'French' policy influenced by the latest recognition controversy, when Emperor Haile Selassie of Ethiopia was overthrown by the military. For Leahy, the French seemed to escape criticism of their actions, whether it was a question of recognising governments (when 'the problem of recognition does not arise for them') or, as over Bangladesh, states (when 'they attach great importance to... a declaration being made at the same time by the Nine [that is, the members of the EC]. This has the obvious advantage of diminishing the resentment which such a decision may cause other governments'). The seriousness with which Leahy viewed this issue was emphasised by his writing to the Assistant Under-Secretary, James Cable, rather than to the Western Department. There was a heavy hint in the letter that other diplomats felt the same: 'I cannot help feeling that the French practice would be regarded by most of our Ambassadors... as a welcome

escape from the political dilemma about timing...’ And it was clear that Leahy knew where his main opponents were, with his remark that, ‘I realise that our criteria for recognition may have earned a permanent place in the hearts of our lawyers...’³¹

Cable initially tried to meet these arguments with a short summary of Evans’ arguments, but Leahy was determined to persevere. He produced telegrams from The Hague and Bonn suggesting that the Netherlands and West Germany both recognised ‘states not governments’, and he accused Evans of being ‘a trifle cavalier’ in his dismissal of the practice.³² This forced a rather longer riposte from Cable, together with a full copy of Evans’ minute of 22 May and a request for Leahy to find out more about French practice.³³ This Leahy was quite willing to do; or rather one of his colleagues, Robin Renwick did so, calling on the Deputy Legal Adviser at the Quai d’Orsay. The latter insisted that the new French practice of recognising ‘states not governments’ was much better than the ‘classical’ one and even felt that British and French policy was growing closer together, ‘as we seemed equally concerned to get away from the formal and solemn character of according recognition...’ The main difference was that London still insisted on publicly confirming that recognition had occurred. As to political co-operation in the EC, ‘the doctrinal differences did not matter much’, as long as there was co-operation over the timing of a resumption of business with a new regime.³⁴ But, for Sinclair, French policy was still ‘illogical’ and could not deal easily with situations where two authorities claimed jurisdiction over the same territory; and he wrote to Leahy on these lines.³⁵

Leahy, as he recognised, was not without support among diplomats on the ground. Staff at the embassy in Addis Ababa, who had had to handle Haile Selassie’s

downfall, remarked in November 1974 on the fact that their EC partners seemed ‘free from any pressure to make any dramatic once for all decision.’³⁶ Only weeks later, however, came more evidence in support of Evans. The new military regime faced a violent internal split, leading to numerous executions. No-one considered that this involved any issue of recognition, but the French and others wanted to signal their abhorrence of events, so there was a concerted suspension of EC diplomatic contacts with Addis Ababa. Paris, it seemed, in its dealings with other regimes could, sometimes, be moved by *moral* considerations.³⁷ In any case, by the end of 1974 Leahy appears to have given up on his campaign to change FCO thinking. For the rest of the Labour government the debate over recognition faded away, helped no doubt by the absence of major controversies equivalent to Chile or Greece.

It is significant that events continued to move against Britain where any debates did occur. In May 1978, for example, when the Comorian government was overthrown, the British refused to extend recognition because the new regime was installed by white mercenaries and lacked popular obedience, but even Denmark now seemed to have adopted the ‘states not governments’ approach and Britain was increasingly isolated within the European Community on such questions.³⁸ Nonetheless, the FCO legal advisers stuck doggedly to their established line. In 1978, when debate raged over the possible recognition of Namibia, Sir Ian Sinclair wrote that British policy had ‘very considerable long-term advantages’ because it was based upon ‘more or less objective criteria’ rather than upon political bias.³⁹

Reform under Thatcher stalls, June-September 1979

The announcement of a full-scale review of British practice was made by Ian Gilmour, Lord Privy Seal, in the House of Commons on 18 June 1979, in the context of questions about a violent change of government in Ghana, a Commonwealth state. Gilmour was the principal government spokesperson on international affairs in the House of Commons because the Foreign Secretary, Lord Carrington, sat in the Lords. The Lord Privy Seal explained that London had recognised the new government of Flight-Lieutenant Jerry Rawlings once it satisfied Britain's usual criteria. But MPs on both sides of the House were concerned that Rawlings and his Revolutionary Council had subsequently executed a number of leading Ghanaians, and threatened to kill more. It was a Conservative MP, Jonathan Aitken, who questioned Britain's existing criteria for recognition and won a promise that these would be re-examined. While stating his own opinion that 'our criteria for recognition have placed us in considerable difficulties', Gilmour added, on advice from one of the FCO legal team, that 'the alternatives also have disadvantages. I am told that virtually all Governments since 1950 have looked at the matter and have not altered the criteria.'⁴⁰

The following day, steps began within the Office to carry out the review, with ministers agreeing that Gilmour should lead it. Typically, when Sinclair was asked to comment on the review, he continued to put the same arguments that had been used against the 'states not governments' formula for years. The actual difference between Britain and its EC partners was, he said, 'pretty minimal' and the British criteria were not 'purely legal arguments' but 'serve an important political objective – namely that of securing consistency in our approach to recognition problems...'⁴¹ Yet, professional diplomats were still not convinced by the legal advisers' approach. Two

officials scribbled impatiently on Sinclair's minute, one complaining, 'But our doctrine makes it less easy to fudge a decision', the other pointing out that successive Foreign Secretaries saw problems with existing British practice, seeing it as 'unworkable.'⁴² In any case, Gilmour was not dissuaded from carrying out a review and he expressed doubts about Sinclair's view that differences with the EC were 'pretty minimal'. The review was put in the hands of the FCO's Planning Staff, which was asked to make comparisons to EC and US practice, and to look at any 'anomalies' in British policy.⁴³

The Planning Staff were at work by the end of June, gathering evidence, reading various earlier memoranda and consulting closely with Sinclair. Meanwhile, on 3 July, in reply to another question from Aitken, the Prime Minister herself said she was 'prepared to consider the criteria for recognition. There was considerable concern about the recognition of Ghana. The recognition was made just a few hours before all those terrible executions which I have continued totally and utterly to condemn.'⁴⁴ By mid-July a draft paper was ready. This emphasised that the existing recognition criteria had the advantages of being objective, internally consistent and providing legal certainty about those who, in British eyes, legally held power in a foreign country. The disadvantages were that the public often believed recognition signified moral approval of a regime, that Britain sometimes felt obliged to extend recognition when delay would be politically more prudent, and that it was difficult to reach a common position with the rest of the EC. In contrast, a system that avoided express talk of 'recognition', would make it easier to avoid public controversy, yet a choice still had to be made about *when* to begin dealing with a new regime and this might continue to provoke criticism. In conclusion, the paper rejected the option of

recognising states, arguing that this would mark ‘a considerable break with British tradition.’ Instead, it came up with a compromise. London would continue to recognise governments but, so as to minimise the danger of public controversy, it would ‘do business with a new government abroad without taking a public position on the issue of recognition.’⁴⁵

Few in the FCO welcomed the draft paper’s recommendation. The News Department, rather than seeing the proposed change in policy as likely to make its job easier, feared journalists would simply alter their line of questioning, asking ‘Has HM Representative yet done business with the new regime?’ The suggested reform would also make decisions seem secretive and subject, perhaps, to moral judgements; it was better, therefore, to leave the current system alone.⁴⁶ In contrast, most others objected the proposed reform because it simply did not go far enough. Brian Barder, head of the Southern African Department, led the charge. He could see no advantage in ‘continuing to make decisions... by reference to present criteria but trying to keep quiet about them... Parliament and the press will soon extract the truth.’ It made far more sense to adopt French practice. D.A.S. Gladstone, of the Western European Department, wrote, ‘I see advantage in grasping the nettle more firmly and moving all the way towards the French system rather than stopping at the half-way house which you advocate.’ And a West Africa Department official, well used to dealing with the fallout from military coups, was just as blunt: ‘the time has come for us to standardise our procedures with the other EEC countries and so avoid being the odd man out.’⁴⁷

Similar doubts were strongly expressed at a meeting between the FCO Deputy Under-Secretaries and the Permanent Under-Secretary, Michael Palliser, to discuss

the draft paper. But Sinclair remained equally adamant against adopting French practice. He still believed that the British system was effective in most cases. There were only ‘one or two isolated instances’ of real problems. ‘[A] detailed analysis of what actually happens in... those countries which assert that they apply the French doctrine will reveal that there is just as much criticism of the way in which that doctrine is applied as there is here of the way in which our own policy is applied.’ It was therefore decided to consult British diplomatic posts around Europe, in order to clarify what difficulties there were with operating the French policy (for example, in dealing with Press enquiries and in handling legal disputes in the Courts) and to discover whether other capitals were indeed moving over to the French model.⁴⁸

A minute of 26 July by Rodric Braithwaite, head of the Planning Staff, suggested the lawyers were very much on the defensive at this point. Braithwaite noted that there was ‘a strong trend of opinion in the Office in favour of adopting the French policy of recognising States, not Governments; and our Ministers also seem to favour that.’ Even Braithwaite could ‘not understand all’ Sinclair’s arguments, such as why the French should have more trouble than Britain in deciding which side to recognise in a civil war.⁴⁹ Another violent change of regime, the overthrow of President Anastasio Somoza of Nicaragua by the Sandinista movement, created more momentum for change. At first, Thatcher, rather than formally extending recognition to the new regime, hoped simply to ‘establish contact’ with it, as the French and others intended to do. The FCO felt that they had to grant recognition according to existing policy and Thatcher allowed herself to be persuaded of this, but the episode again suggested that Downing Street wanted a change of practice.⁵⁰ Gilmour,

meanwhile, minuted on 31 July, 'I remain convinced that change is desirable, but I think we can let events take their course.'⁵¹

However, as responses came in from European posts to the Planning Staff's enquiries, about recognition, it was clear that there were more differences around Europe on recognition than British diplomats hitherto believed and this gave ammunition to the lawyers. The Italians followed French practice and the only serious recent problem with this concerned Pinochet's coup in Chile, which had aroused the ire of the Left. In practice, when deciding the point at which to do business with a new regime, Italy used criteria similar to London's (such as whether a new regime controlled a territory and its population) but it also put special emphasis on the need to achieve EC joint action.⁵² Belgium, too, as had long been understood, was close to French practice.⁵³ Ireland, with a few exceptions, such as when it entered into relations with Communist China in 1972, followed the 'states not governments' formula.⁵⁴ But the West Germans operated more elastic system than France and agreed with Britain that a decision had to be made on *when* to deal with a new regime. Whereas the Germans expressly recognised new states, they avoided any public talk of recognising governments.⁵⁵ Only the Dutch, who had previously been seen as following the 'states not government' formula, seemed to operate a system close to Britain's and shared Sinclair's disparagement of the French.⁵⁶ Then again, Denmark, while it had tried to move to a 'states not governments' approach, still had much in common with British practice when it came to doing business with new regimes and was marked by 'deliberate obfuscation.'⁵⁷ Significantly, the French agreed that their own policy was not flawless (as when there were two claimants to power) and that there was a need to decide when to renew contacts after a violent change of regime (in

which case they used criteria similar to London's). But they felt their system worked well in most cases, that there was little questioning from Press and Parliament, and that no serious legal complications arose, even though the Courts sometimes acted without guidance from the French government in deciding who held authority in another state.⁵⁸

By late August 1979, in light of the views from within the FCO and of the responses from European posts, the Planning Staff had substantially redrafted their earlier memorandum and now made a different policy recommendation, which brought it 'more closely into line with the French formula.' Britain 'should retain our present criteria for deciding whether to enter into diplomatic relations with a new government' but 'should also play down the importance attached to the word "recognition" by declaring that we will in future "formally recognise states not governments".'⁵⁹ However, this suggestion still did not win universal support. The News Department, while it would not stand in the way of the reform, still preferred to stay with existing policy, though it also wanted to launch a public campaign to explain that recognition of a regime did not signify moral approval of it. The Press might 'poke fun at the sophistry of distinguishing between formal and informal recognition.'⁶⁰ More predictable was the opposition from Sinclair, who also wanted to stand by the status quo. He argued that, 'The proposed changes are entirely cosmetic and would... [expose] us to charges of hypocrisy and evasion.'⁶¹

In reporting to the PUS, Braithwaite was almost despairing in the face of the continuing disagreements. He still personally felt that the French approach was the 'most convenient politically', but 'it is no more than a piece of obfuscation' and

‘almost everybody holds strong and contradictory opinions about it.’⁶² The sense of despair perhaps explain why, at another meeting between Palliser and the Deputy Under-Secretaries, it was decided to revise the Planning Staff paper so that it set out the advantages and disadvantages of British and French practice, without any recommendation on reform. This was submitted to Gilmour on 25 September, with a covering note from Palliser in which he was, ‘on balance, in favour of sticking with our present doctrine, while improving our management of it.’ He argued this for a number of reasons. First, given the nature of the British Press and Parliament, he believed they would continue to be interested in knowing the precise point at which Britain entered into relations with a new regime. ‘When we enter into relations with an unpleasant regime, our critics object not to “recognition” as such, but to our having any dealings at all with thugs, fanatics, or other undesirables.’ Secondly, he doubted that common EC action would ‘shield us from criticism’ since, ‘Previous attempts to co-ordinate the dealings of the Nine with new regimes have foundered because of tacit competition amongst the Europeans, each anxious to extract the maximum credit for itself.’ Finally, Palliser believed that it would be possible to manage the existing system better by improved public presentation, ‘playing down the loaded word “recognition”’ and being more flexible over the timing of first dealings with a new regime.⁶³

Reform Achieved, October 1979-April 1980

Gilmour did not reply to Palliser for three weeks but, when he did so, his dissatisfaction with the situation was clear. He not only argued that ‘our present practice occasionally leads to considerable embarrassment’, but also that French practice ‘works well and is followed by most of our Community partners with

success' and he believed that Parliament would accept the change.⁶⁴ There were differences of view, however, even within ministerial ranks, with one Minister of State, Douglas Hurd, supporting Gilmour, while another, Nicholas Ridley, along with the Parliamentary Under-Secretary, Richard Luce, was sympathetic to Palliser. It was agreed to hold a meeting between Gilmour, Palliser and Sinclair but, thanks to the pressure of other business, there is no record of such a meeting being held for several weeks.⁶⁵

In the interim, cutting across the debate on the Planning Staff memorandum, there was an unusual discussion surrounding Cambodia, from which the government of Pol Pot and the Khmer Rouge was driven out at the start of the year, after a Vietnamese invasion. The British continued to recognise Pol Pot, because the alternative was to do business with the Vietnamese-installed regime of Heng Samrin which, it could be argued, was no more than a puppet. However, as evidence mounted of the genocide carried out by the Khmer Rouge, Conservative ministers, including Gilmour, were increasingly unhappy with this situation, and it attracted considerable public and parliamentary criticism. The problem was complicated by the fact that China, which the British did not want to upset, continued to recognise Pol Pot. Furthermore, it was almost unprecedented to withdraw recognition from a government without recognising a successor, whereas there were plenty of examples of the British continuing to recognise governments-in-exile (as with many European governments during the Second World War).⁶⁶ Yet, following intense debate, Gilmour told the Commons on 6 December that 'we can no longer regard Pol Pot as leading an effective Government in Cambodia', adding 'Our position is that there is no Government in Cambodia whom we can recognise.' In a sense, this was in line

with existing British practice, in that Pol Pot had failed to fulfil the criteria of having effective control of the country he claimed to rule. The British continued to recognise the *state* of Cambodia, but not any government there.⁶⁷ But withdrawal of recognition was a highly unusual step. The Cambodian case confirmed the fact that issues of recognition continued to generate crises.

The last case of a violent change of regime before ministers decided to reform policy, came when the Soviets invaded Afghanistan in late December 1979, installing a new President, Babrak Karmal. As with Heng Samrin in Cambodia, the British refused this foreign-installed regime recognition. One of the legal team, Tony Aust, argued that this was not because of the military intervention, but because the regime was ‘still wholly dependent for its authority on the presence of Soviet troops.’⁶⁸ Around the same time that this position was established, FCO ministers decided, in a meeting whose record has not survived, that they ‘would now take steps to change... policy on Recognition.’ Gilmour discussed this with Palliser and Sinclair and, on 11 January, the Lord Privy Seal requested that a parliamentary statement be prepared in the form of an ‘inspired’ question from a friendly MP, with a ministerial answer. The answer ‘should concentrate on the thesis that the Government had examined the question carefully and had decided that the time had come for a change in policy.’ It should draw attention to the problems with existing policy and ‘conclude that we had decided to move closer to the position of a number of friendly countries whose policy was to recognise States not Governments.’⁶⁹

The task of drafting the question and answer did not prove easy. In making a first attempt, Sinclair was typically cautious. Anxious to avoid giving any ‘hostages to

fortune' on Cambodia, Afghanistan or other potential issues, he produced a carefully-worded ministerial statement. This said, among other points, that British practice was already 'broadly followed' by its EC partners and that, in moving away from the formal recognition of governments, the FCO 'do not intend to modify our practice by departing from the application of our basic criteria' on recognition. The tone of the draft suggested that current policy was not so much flawed as misunderstood. Furthermore, for the sake of clarity in British courts, Sinclair wanted to be clear 'as to whether we "recognised" an entity as a Government on a particular date.'⁷⁰ The Planning Staff felt this last point made for 'a weak conclusion' to the draft statement, but the most Sinclair would offer was to re-order his sentences and the Planning Staff accepted this.⁷¹ Yet again, it was left to ministers to press a more purposeful approach.

When the Foreign Secretary saw the draft answer, he was very disappointed. He complained that it read 'more like an FCO minute than a statement for Parliament and the public'; and he wanted to bring out 'the essential point, namely that our present policy... leads to embarrassing decisions.'⁷² Gilmour then made revisions to Sinclair's document, acknowledging that existing policy had sometimes 'aroused criticism and been interpreted, despite explanations to the contrary, as implying approval or disapproval', which created controversies that 'it is in our interests to avoid.'⁷³ But, when Gilmour's re-draft went before a meeting of FCO ministers, the Foreign Secretary feared that it went *too* far. By being so 'frank' about its desire 'to avoid embarrassment in difficult cases', it might open the government to criticism.⁷⁴ This led to further re-drafting during March and early April, in which the Planning Staff tried to simplify the parliamentary answer in line with ministers' wishes and

Sinclair continued to press for a statement that safeguarded legal necessities. At one point during this marathon, Gilmour feared being left with a document where the arguments were ‘reduced to the point of incomprehensibility.’⁷⁵ But eventually, in mid-May, he was able to submit the new policy to the Prime Minister. On the one hand, Britain would continue to refer to existing criteria when deciding ‘whether a new regime qualifies to be treated as the Government of a State’. On the other, it would move towards the practice of ‘our partners, which leaves the question of whether or not we acknowledge new regimes to be inferred from the nature of our dealings with them, instead of making a formal announcement of “recognition”.’ Thatcher quickly gave her approval and Carrington then issued his statement.⁷⁶ Several years of fiercely contested debate had finally come to an end.

Conclusion

It is clear that the decision to change Britain’s long-standing practice, and recognise ‘states not governments’, was less dramatic than it appeared. As Colin Warbrick has noted, London continued to enter into dealings with regimes that came to power unconstitutionally only in the light of their ability to maintain effective control of a territory and population. ‘On the face of the statement, not much [had] changed.’⁷⁷ Carrington declared, ‘we shall continue to decide the nature of our dealings with regimes which come to power unconstitutionally in the light of our assessment of whether they are able of themselves to exercise effective control of the territory of the state concerned, and seem likely to do so.’⁷⁸ While this said nothing about having the loyalty of most of the population, it was very close to Britain’s previous practice regarding the recognition of governments. An internal FCO memorandum acknowledged that, ‘practical questions of deciding what dealings to have with a new

government will remain much the same whether or not we “recognise” it’ and it recommended that past precedents in British practice would continue to be ‘instructive’.⁷⁹ Nor did the change in practice affect any of the existing cases where London either refused to recognise the existence of a state (such as North Korea) or to deal with a particular regime (such as Cambodia or Afghanistan).⁸⁰

Yet it would be wrong to brush the reform off as a distinction without a difference. The difference resided in the ability of the British government to deal with other States on a practical basis, free of the public outcry that followed the recognition of an Allende or a Rawlings. As Carrington explained, past practice of formally ‘recognising’ a new government had ‘sometimes been misunderstood and... interpreted as meaning approval.’⁸¹ Also, there was immediate evidence that the new policy worked well in the sense of minimising chances for British embarrassment. Just before Carrington’s statement, there was a military coup in Liberia, led by Sergeant Samuel Doe, with a bloody aftermath strikingly similar to that in Ghana the previous year. However, the British maintained relations with Liberia without any announcement on recognition. When a military takeover occurred in Bolivia in July, London continued to act as though nothing had happened and, in September, when there was a coup in Turkey, the EC acted together to express concern, but without withdrawing their ambassadors.⁸²

The FCO took time to draft some detailed, practical advice to its posts on how to interpret the new policy when an unconstitutional change of regime occurred.⁸³ But there were soon signs that diplomats were grateful for reform. Reflecting on events in Liberia, the FCO’s West African Department felt the new policy was ‘of great value

to us'. For example, it allowed the embassy in Monrovia to take up cases of harassment of British citizens at an early date, whereas the previous policy might have made such dealings difficult.⁸⁴ Britain's High Commissioner in Guyana, who lived through a coup in August 1980, found the new policy, as expressed in Gilmour's Commons statement, to be 'perfectly clear' and helpful.⁸⁵ Not everyone was happy. One MP, Stephen Dorrell, complained that adopting 'continental practice... helps us not at all', because it did not solve the problem of who to deal with in Cambodia. But, it was pointed out to him that circumstances of 'competing regimes', as in Cambodia, were comparatively rare; the new policy was a real improvement in case where 'a regime comes unconstitutionally to power and attracts public repugnance in the UK.'⁸⁶ Sinclair remained concerned about the question of British courts forming a judgement on who exactly was, or was not, recognised. But this concern was met by his own insistence that any document 'dealing with the interpretation of the new policy or with any other question which may arise in implementing it', must be seen in draft form and approved by the legal advisers.⁸⁷

When, some weeks after the change in policy, a query came thorough from the Indian government about why Britain had decided on reform, an official from the FCO's South Asian Department decided to sound out the Planning Staff. From them she learnt that 'the change in our policy was a messy business stretching over several months and as many files.' It 'was also the subject of a great deal of opposition from officials, notably several of the Legal Advisers.'⁸⁸ Anyone reading the relevant documents is likely to echo these thoughts. It certainly had been a long, drawn out and divisive affair but, arguably, for good reasons. There was certainly hard evidence in favour of the legal experts' doubts about change in the early 1970s. For one thing,

there was genuine confusion over what the policy of individual EC members was on recognition. While Paris almost instantly entered into dealings with Pinochet's regime in 1973, Belgium and Germany took longer to do so, while in Italy there was considerable heart-searching partly because, as in Britain, there was popular revulsion over the ousting of an elected President.⁸⁹ Nonetheless, Britain was undoubtedly in a minority position and most EC members had similar policies to France whose approach, was well suited to a world where colonial empires were in retreat, even if it had problems where civil wars made it difficult to tell who held effective power.

Looked at in retrospect, time, as always, worked in favour of reform. The embarrassments caused by cases like Chile and Greece, the need to work with EC partners, changes in US practice and the sheer frequency of violent changes of regime worldwide, all made change desirable. Diplomats on the ground were increasingly aware that 'French' practice (actually based on the earlier Estrada doctrine) had real benefits where the *presentation* of policy was concerned when the time came to deal with unsavoury dictators. Even under Douglas-Home and Callaghan, ministers showed signs of sharing the desire for change, but only under Thatcher did key figures like Gilmour and Carrington have the determination to push reform through. Even as late as September 1979, the debate seemed finely balanced, but Gilmour in particular was prepared to use his authority to insist on reform. The reform had its limits. In particular, the criteria on which Britain decided to deal with any new regime, remained largely the same. But in future, by avoiding a formal announcement of such decisions, the government might neatly avoid public debate over them.

Notes

¹ The key historical study is M.J. Peterson, *Recognition of Governments* (Basingstoke: Macmillan, 1997).

² House of Commons debates, fifth series, (*HC Deb 5s*), vol. 742, column 7. This definition was quite consistent: see, for example, The National Archives (TNA), Kew, FO371/189154/4, letter to Mills (17 February 1966) or FCO9/2061, Goodison minute (30 April 1974). It had been laid down in June 1950 by the then Foreign Secretary, Ernest Bevin, but was already established before that: see FCO49/841, Circular 059 (12 June 1950). See also FCO49/843, Guidance Paper on recognition (4 September 1968). Brown's criteria were restated verbatim by the Lord Privy Seal, Ian Gilmour, in reply to a parliamentary question of 26 June 1979: *HC Deb 5s*, vol. 969, columns 152-3.

³ Hansard, House of Lords debates (*HL Deb 5s*), vol. 408, columns 1121-2, written answers. The same announcement was made to the House of Commons by Ian Gilmour, also in a written answer: *HC Deb 5s*, vol. 983, columns 277-8.

⁴ TNA, DO195/321, Duff minute (25 February 1966). A remarkably full digest, of about 120 cases of debates over recognition going back to the First World War, was drawn up by the FCO's Research Department in September 1980: FCO51/466, with covering note by Middleton (29 August).

⁵ TNA, CAB128/42, CC(67)23 (27 April), and see 28 (4 May) and 30 (11 May); FO800/968, Murray to Brown (3 May 1967). See also: Effie Pedaliu, 'Human Rights and Foreign Policy: Wilson and the Greek dictators, 1967-70', *Diplomacy and Statecraft*, vol. 18, no. 1 (2007), 185-214; Alexandros Nafpliotis, *British Policy towards the Greek Junta, 1967-74* (PhD, London School of Economics, 2010), 29-32.

⁶ PREM13/2140, FO to Washington (18 January) and FO/CRO circular telegram (30 January 1968); Nafpliotis, *British Policy*, 43-7.

⁷ John W. Young, *Twentieth Century Diplomacy: a case study in British practice, 1963-76* (Cambridge University Press, 2008), 202-3.

⁸ Janice Musson, 'Britain and the Recognition of Bangladesh in 1972', *Diplomacy and Statecraft*, vol. 19, no. 1 (March 2008), 125-44.

⁹ FCO15/2052, Squire minute (1 May 1975).

¹⁰ FCO49/99, Commonwealth Policy and Planning Department memorandum (11 December 1967).

¹¹ At this time the FCO staff included two Legal Advisers, two Deputy Legal Advisers and six Legal Counsellors, and there were legal advisers in key embassies abroad: *The Diplomatic Service List, 1971* (London: Her Majesty's Stationery Office, 1971), 4.

¹² FCO 7/2365, Evans to Le Quesne (11 February 1972).

¹³ These fill three whole files at the TNA: FCO7/2418-20, passim.

¹⁴ FCO30/1684, Hunter to Hankey (18 September 1973).

¹⁵ Colin Warbrick, 'Kampuchea: representation and recognition', *International and Comparative Law Quarterly*, Vol. 31 (1981), 240-1.

¹⁶ FCO7/2365, Acland to Evans (19 September).

¹⁷ FCO7/2365, Burrows to Acland (20 September 1973).

¹⁸ FCO33/2294, Hudson to Acland (30 November 1973).

¹⁹ FCO286/1456, London to Athens (10 June 1973); Nafpliotis, *British Policy*, 223-30.

²⁰ FCO7/2365, Cornish to Wright (21 December 1973); Nafpliotis, *British Policy*, 254-9.

²¹ FCO33/2294, undated handwritten minute by Royle on Hudson to Acland (30 November 1973).

²² FCO33/2294, Sinclair to Guest (7 December 1973) and undated handwritten minute on this by Royle.

²³ FCO33/2294, Sinclair to Guest (14 December 1973)

²⁴ FCO33/2294, Cornish to Wright (21 December 1973).

²⁵ FCO33/2294, Birch to Wright (8 January) and MacInnes to Sinclair (11 January 1974)..

²⁶ FCO33/2294, Sinclair to MacInnes (11 January 1974).

²⁷ Colin Warbrick, 'The New British Policy on Recognition of Governments', *International and Comparative Law Quarterly*, vol. 30 (1981), 571-3; and see L.T. Galloway, *Recognising Foreign Governments: the practice of the United States* (1978).

²⁸ I have searched the files in vain for an indication of Callaghan's motivation. It is possible that officials pressed him on the matter, but the problems caused by existing policy may have been known to him.

²⁹ FCO49/497, Evans to Coles (22 May 1974).

³⁰ FCO49/497, Cable to Leahy (20 September 1974), shows that ministers accepted Evans' arguments on policy but felt some practical changes might be possible in carrying it out.

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- ³¹ FCO49/497, Leahy to Cable (16 September 1974).
- ³² FCO49/497, Cable to Leahy (20 September) and reply (25 September 1974).
- ³³ FCO49/497, Cable to Leahy (10 October) and see Smith to Cable (2 October 1974).
- ³⁴ FCO49/497, Leahy to Cable (23 October 1974).
- ³⁵ FCO49/497, Sinclair to Leahy (4 November) and see Smith to Sinclair (29 October 1974) for a Planning Staff opinion of the ‘muddle’ in French thinking.
- ³⁶ FCO31/1681, Addis Ababa to FCO (24 November 1974).
- ³⁷ FCO31/1681, Evans to Aspin (25 November 1974).
- ³⁸ FCO45/2275, COREU Copenhagen telegram (21 June 1978); but see FCO45/2603, Border to Mansfield (2 February 1979), which suggests that Belgium shared British doubts about recognition in this instance.
- ³⁹ Quoted in FCO45/2508, Reid to Graham (6 February 1978).
- ⁴⁰ *HC Deb* 5s, vol. 968, columns 917-20; FCO49/841, Gomersall to Sinclair (19 June 1979).
- ⁴¹ FCO49/841, Sinclair to PUS (22 June 1979).
- ⁴² Handwritten, anonymous minutes to Braithwaite (one 22 June 1978, the other undated) on *ibid.*
- ⁴³ FCO49/841, Gomersall to Braithwaite (25 June 1979).
- ⁴⁴ *HC Deb* 5s, vol. 969, col. 1103.
- ⁴⁵ FCO49/841, Cornish’s covering note (13 July 1979) on draft paper.
- ⁴⁶ FCO49/841, Fenn to Cornish (16 July 1979).
- ⁴⁷ FCO49/841, Barder, Munro, Gladstone and Johnson to Cornish (16-17 July 1979), and see similar submissions from Munro and Fitzherbert (both 17 July).
- ⁴⁸ FCO49/841, Sinclair to Cornish (25 July 1979), PUS to Private Secretary (27 July) and draft telegram to posts (notable for omitting the conclusions of the draft paper).
- ⁴⁹ FCO49/841, Braithwaite to Franklin (26 July 1979).
- ⁵⁰ FCO49/841, Cartledge to Wall (28 July) and undated draft reply; FCO49/842, Milton to Parsons (1 August).
- ⁵¹ FCO49/842, Richardson to PUS (31 July 1979).
- ⁵² FCO49/842, Adams to Braithwaite (6 August 1979).
- ⁵³ FCO49/842, Summerscale to Braithwaite (10 August 1979).
- ⁵⁴ FCO49/842, Smith to Braithwaite (9 August 1979).
- ⁵⁵ FCO49/842, Eaton to Cornish (3 August 1979).
- ⁵⁶ FCO49/842, Shepherd to Braithwaite (6 August 1979).
- ⁵⁷ FCO49/842, Ratford to Braithwaite (9 August 1979).
- ⁵⁸ FCO49/842, Laver to Braithwaite (16 August 1979).
- ⁵⁹ FCO49/842, Cornish to Sinclair (24 August 1979) and attached draft memorandum.
- ⁶⁰ FCO49/842, Fenn to Cornish (31 August 1979).
- ⁶¹ FCO49/842, Sinclair to Cornish (4 September 1979).
- ⁶² FCO49/842, Braithwaite to PUS (14 September 1979).
- ⁶³ FCO49/843, Palliser to Gilmour, with attached revised draft (25 September 1979).
- ⁶⁴ FCO49/843, Gilmour to Palliser (15 October 1979).
- ⁶⁵ FCO49/843, Burns to PUS (25 October) and Hurd to Gilmour (26 October 1979).
- ⁶⁶ See, for example, FCO49/843, Richardson to Cortazzi (24 October) and Cortazzi memorandum (26 October 1979). But the tendency of political preferences to intrude on practice is shown by Britain’s prompt recognition of the new government in Uganda in April 1979, even though it was installed with the help of Tanzanian troops, who had toppled the dictator Idi Amin. Here the FCO argued, retrospectively, that ‘the Tanzanian presence was intended to be temporary, and that President Lule’s government was to be genuinely autonomous’: FCO49/843, Background Note, ‘Why we do not recognise the Heng Samrin regime’ (undated).
- ⁶⁷ *HC Deb* 5s, vol. 975, cols. 723-4; and see Warbrick, ‘Kampuchea’, 240-6.
- ⁶⁸ FCO49/872, Aust to White (10 January 1980), but see Cary minute (9 January) for a more sceptical view of British logic.
- ⁶⁹ FCO49/872, Richardson minute (11 January 1980).
- ⁷⁰ FCO49/872, Sinclair to Braithwaite, with attached draft question and answer (24 January 1980).
- ⁷¹ FCO49/872, Cary to Sinclair and reply (5 and 7 February 1980).
- ⁷² FCO49/872, Walden to Gomersall (15 February 1980).
- ⁷³ FCO49/872, Gomersall to Braithwaite, and attached re-draft (21 February 1980).
- ⁷⁴ FCO49/872, Walden to Braithwaite (29 February 1980).
- ⁷⁵ See especially, FCO49/872, Cary to Sinclair (12 March), Sinclair to Braithwaite (14 March) and Gomersall to Private Secretary (19 March 1980).

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- ⁷⁶ FCO49/872, Gilmour to Thatcher (15 April) and Alexander to Richardson (17 April 1980).
- ⁷⁷ Warbrick, 'British', 575, and see 576-91 on the implications of the change of practice for British domestic law.
- ⁷⁸ See note 3 above.
- ⁷⁹ FCO51/466, paragraph 2, introduction to Research Department memorandum, 'British Practice on Recognition of Foreign Governments', September 1980.
- ⁸⁰ FCO51/466, FCO circular telegram (12 May 1980).
- ⁸¹ *HL Deb* 5s, vol. 408, columns 1121-2.
- ⁸² See Warbrick, 'Britain', 575-6. Note that Gilmour delayed a decision on dealing with the new Liberian regime until the reformed practice on recognition was announced: FCO49/872, Gomersall to Johnson (14 April 1980).
- ⁸³ A draft document of advice was circulated in September: FCO49/872, Marsland to Feeland (3 September 1980).
- ⁸⁴ FCO49/872, Dimond to Marsden (registered 7 November 1980).
- ⁸⁵ FCO49/872, Mallet to Marsden (30 September 1980).
- ⁸⁶ FCO49/872, Dorrell to Gilmour (24 July) and reply (1 August 1980).
- ⁸⁷ FCO37/2227, Sinclair to departmental heads (10 December 1980).
- ⁸⁸ FCO49/872, Harris to Wetherell (11 July 1980).
- ⁸⁹ FCO30/1684, *passim*.