

TABLE OF CONTENTS

<i>Foreword by Javier Pérez de Cuéllar</i>	xiii
<i>Foreword to the first edition</i>	xv
<i>Preface to the third revised edition</i>	xvii
<i>Preface to the first edition</i>	xxi
<i>Table of cases</i>	xxv
<i>Abbreviations</i>	xxxix
<i>Part One: Diplomatic Relations, Functions and Privileges</i>	I
I. Historical Introduction	3
II. Relations Between Nations	8
Introductory	8
The right of legation	9
The Commonwealth of Nations	17
Representation of the Papal State	19
Knights of Malta	20
III. Establishment and Conduct of Diplomatic Relations	21
Opening of diplomatic relations	21
Classes of diplomatic agents	24
Peoples' Bureaux	29
Concurrent accreditation of diplomatic agents	29
Appointment of the head of a mission	32
Agrément	34
Appointment of a national of the receiving state	37
Size of diplomatic mission	38
Appointment of the staff of the mission	40
Non-diplomatic staff	42
Attachés	44
Offices of the diplomatic mission	45

viii *Table of Contents*

Diplomatic agent proceeding to his post	47
Presentation of credentials and calls	50
The diplomatic corps and their precedence	52
Persona non grata	54
IV. Functions of a Diplomatic Agent	56
Representation and negotiation	58
Reporting on conditions and developments in the receiving state	65
Protection of the interests of the sending state	72
Promotion of friendly relations	78
Looking after the interests of minorities	81
Miscellaneous duties and notarial functions	85
Facilities for the performance of the functions of a Mission	87
Duty of non-interference in the internal affairs of the receiving state	88
Duty to act in conformity with their privileged status	92
V. Diplomatic Immunities and Privileges	95
Theoretical basis of diplomatic immunities	96
Basis for grant of diplomatic immunities in municipal law	99
Steps towards codification and uniformity	102
Reciprocity and discrimination	105
Immunities and privileges	106
Inviolability	107
Freedom of movement	127
Freedom of communication	129
Exemption from local jurisdiction	136
Giving of testimony	157
Waiver of immunity	162
Method of claiming immunity	166
Immunity from taxation	173
Exemption from payment of customs duties	177
Other immunities and privileges	181
Persons entitled to immunities and privileges	185
Non-diplomatic staff	189
Private servants	195
Duration of immunity	199
VI. Position in Third States	203
Diplomatic agents	203
Non-diplomatic staff	210

Diplomatic couriers	211
VII. Termination of a Mission	214
<i>Part Two: Consular Functions, Immunities and Privileges</i>	241
VIII. Consular Relations in General	243
Introductory	243
Establishment of consular relations	247
Establishment of a consulate	249
Appointments to consular posts	252
Precedence	264
Exercise of consular functions in a third state	266
Exercise of consular functions on behalf of a third state	267
Appointment of the same person by two or more states	267
IX. Consular Functions	268
X. Consular Privileges and Immunities	285
Consular premises	287
Consular archives	288
Personal immunities of consular officials	289
Freedom of movement	296
Freedom of communication	297
Fiscal privileges and immunities	299
Other privileges and immunities	303
Duties of consuls	308
XI. Termination of Consular Functions and Position in Third States	310
Duties of third states	314
<i>Part Three: International Law—Selected Topics</i>	317
XII. Diplomatic Protection of Citizens Abroad	319
Introductory	319
Tests of national status	324
Cases of dual nationals	328
Bodies corporate	333
Legal basis for diplomatic protection	334
National standard of treatment	337
Modern trends	339
Rights of alien	340
Rights concerning entry, movement and residence	340
Personal freedoms	347
Professional and business activities	350

x *Table of Contents*

Rights to property	352
Rights arising out of contracts and concessions	360
Taxation	365
Deportation and expulsion	366
Scope and extent of diplomatic protection	370
Cases of arrest and detention	372
Cases of denial of justice in judicial proceedings	376
Properties and property rights	381
Injury in the hands of private persons	385
Manner of making representation to the government of the receiving state	388
Exhaustion of local remedies	390
Waiver of diplomatic protection	392
Preferment of claims by individuals	392
XIII. Passports and Visas	395
Issue of passports	395
Visas	399
XIV. Asylum and Extradition	402
Territorial asylum	402
Asylum in the premises of a diplomatic mission	408
Extradition of fugitive offenders	414
XV. Sovereign Immunity	433
Introductory	433
Practical implications of the doctrine of sovereign immunity	434
Development of the law relating to immunity	436
Treaties and conventions	440
Review of national positions	442
Work of the International Law Commission	486
Acts of governmental agencies having separate legal personality	487
Role of the executive in matters of immunity	489
Reciprocity	492
Attachment and seizure of the property of the foreign state	493
Taxation	498
Conclusion	499
XVI. Recognition of States and Governments	501
Recognition of States	501
Conditions for recognition	505

Premature recognition	510
Recognition of governments	516
Objectives of recognition	517
Tests for recognition of new governments	519
Recognition <i>de jure</i> and <i>de facto</i>	526
Method of granting recognition	530
Recent cases of recognition of governments	535
Position of an envoy in cases of change in government	544
XVII. Treaty Making	546
Introductory	546
Nature and scope of treaties	546
Essential elements of a treaty	548
Treaty making capacity	550
Constitutional requirements	560
Title and form of international agreements	563
<i>Jus cogens</i>	565
Languages used in international agreements	565
Negotiation of treaties	566
Signature	568
Ratification	568
Accession	570
Reservations	571
Registration of treaties	573
Date of entry into force of a treaty	574
<i>Bibliography</i>	577
<i>Agreements, Treaties and Conventions</i>	581
<i>National Laws and Regulations</i>	583
<i>Index</i>	585