University of Nairobi
Institute of Diplomacy and International Studies

" Protocol in an International Environment: A Case Study of
Corresponding Ceremonial Protocol Practice of the United Nations
Office in Nairobi and Kenya Authority "

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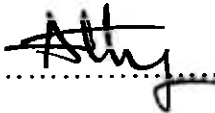
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Declaration

I, EDE CHINEDU ANTHONY hereby declare that this research project is my original work and has not been presented for a degree in any other University.

Signed... Date... $03|11|2011$ ......

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This project has been submitted for examination with my approval as University Supervisor;

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Dedication

This work is dedicated to my elder sister, Edith I. Ede, without whose caring supports it would not have been possible, and to my younger sister, Obianuju F. Ede, who is always there to listen to my frustrations and leave me with words of encouragement.

Acknowledgements

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Abstract

The study investigates the importance of ceremonial protocol in maintaining peace and security in the international environment. Due to series of inter-state conflicts witnessed before the United Nations was established in 1945, peace solutions have become enormously important to every state party to the United Nations charter. The ability to relatively contain international conflict for over six decades has gained popular support, to the United Nations given it a super-national status in the international environment. The idealist theory of international cooperation has been a very vital backbone of peace management that encourages states to abandon violence to pacific peace using diplomacy, which is the very essence of the establishment of the United Nations.

The United Nations Organization has since extended its offices to several regions of the international system, to represent its peaceful interest but the increased in number of state members to the organization has resulted to an increasing demand for contemporary reforms. This has affected protocol in the international environment, and as a result, several informalities and flexibility has been adapted within the United Nations and the conduct of the international relations. These informalities and flexibilities have a method used to improve ceremonial protocol among the big a small sates pending reforms, since it is obvious that diplomacy will be difficult without protocol in the international system.

Abbreviations

CTBTO	Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization
DCS	Division of Conference Service
DG	Director-General
ECOSOC	Economic and Social Council
HCRU	Host Country Relations Unit
H.E	His Excellency
ICJ	International Court of Justice
ICPDR	International Commission for the Protection of the Danube River
IGOs	International Governmental Organizations
IOs	International Organizations
IR	International Relations
JKIA	Jomo Kenyatta International Airport International Airport
LNU	League of Nations Unit
MP	Member of Parliament
NATO	North Atlantic Treaty Organization
NGOs	Non Governmental Organizations
PD	Prisoner's Dilemma
PR	Permanent Representative
SG	Secretaries- General
UN	United Nations
UNCDF	United Nations Capital Development Fund
UNCITRAL	United Nations Commission on International Trade Law
UNDP	United Nations Development Programme
UNEP	United Nations Environmental Programme
UNFPA	United Nations Population Fund
UN-Habitat	United Nations Human Settlements Programme,
UNICEF	United Nations Children's Fund
UNIDO	United Nations Industrial Development Organization
UNODC	Nations Secretariat with its Office on Drugs and Crime

UNOG	UN office in Geneva
UN-OOSA	United Nations Office for Outer Space Affaires
UNON	United Nations Office at Nairobi
UNOV	UN office at Vienna
US	United States
USUN	United States Mission to the United Nations
VAT	Value Added Tax
VCDR	Vienna Convention on Diplomatic Protocol
VCCR	Vienna Convention on Consular Relations
VIC	Vienna International Conference
WMO	Meteorological Organization
WIPO	World Intellectual Property Organization
WWII	World War One
WWII	World War Two

CHAPTER ONE

INTRODUCTION TO THE STUDY

1.0   INTRODUCTION

Protocol in the broadest sense may be seen as a civilized standard (courtesy) for every activity. Protocol relates to common things we do every day, for instance, knowing that breakfast is in the morning and lunch at noon. Protocol also relates to how we get involve with civil institutions for instance, where one has to receive an admission letter from a college before proceeding with registrations to study, or in being able to move a car/vehicle smoothly, there are always rules that apply. If protocol is followed, things are expected not to go wrong. This study is concerned with the protocols relating to diplomacy[1].

The chaotic nature of the International environment left little survival for sustainable peace in International Relations (IR), between states without protocols. Peace requires that diplomacy be operational in international affairs; where protocols refer to set of rules, procedures, conventions and ceremonies which relate to relations between states. Protocol knows neither victor nor vanquished and imposes on nations, even enemies, reciprocal respects without regard to their relative force.[2] The global aspect of diplomacy has led since the end of the Second World War (WWII, 1939-1945) to the recognition by all states to use conferences as a forum for nations to find common solutions for problems, nowhere today is the concept of protocol more important than in the United Nations (UN).

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[1] See D. Kappeler, M. Mwagiru & J. Odera, "Diplomacy Part I: The Concepts, Actors, Organs & Process" (University of Nairobi; Institute of Diplomacy & International Studies, IDIS, 2010), p.5.

[2] Jules Cambon, *Le diplomate*, (Hachette, Paris, 2006) in the documents of United Nations Institute for Training and Research (UNITAR), *Diplomatic Protocol* (MDP/UNITAR, 2010) p. 9.

1.1 STATEMENT OF THE RESEARCH PROBLEM

In diplomacy, protocol is considered to be effective but in practice, it is arguably slowed down by the world's existing political system. While practically, protocol is shaped by norms '(paradigm shift)'[3] of the international environment, so can events shape norms of international institutions. The rules of protocol for the international system give every state equal chance but not equal might. While countries disagree on national interest/related issues, how can countries use rules, rather than force, to maintain peace and settle conflicts? They build institutions that negotiate, apply, and advocate the rules countries use to govern their relations. These institutions (e.g. The UN) were generally found on the reciprocity principle, treating member states equal. Though dominance and identity play roles in the functioning of international institutions, but without effective international protocol and cooperation, can peace be sustained?

There are an increased number of states and 'international institutions'[4] involved in International Relations (IR) today with different culture and measures of operation. Every state seeks the purpose for the conduct of IR under the UN: sovereign equality and respect. The task of establishing precedence is probably more complex at the United Nations than in a national setting because, as a rule, protocol and social functions involve several groups of participants. Hence, how rules of protocol apply in this multi-layered diplomatic environment will literally determine the peaceful conduct of international relations. How does UN adapt to a flexible procedural conduct in protocol-related matters to maintain international cooperation? Understanding and studying the informal and formal rules of the international community will enable diplomat and professional to more effectively do his or her job.

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[3] According to Thomas Kuhn , _The Structure of Scientific Revolutions_ (1962), paradigm shift is "a change in the basic assumptions, within the ruling theory of science."

[4] Several international institutions established in the aftermath of World War Two. Most of these institutions were set up to promote peace, prosperity and development. See Judith L Goldstein, _International Institutions_, (Stanford University, 2010)

1.2 OBJECTIVES OF THE RESEARCH

1. To examine the history of protocol in the international environment.

2. To examine events can shape norms/principles that guide ceremonial protocols at the United Nations.

3. To outline the difference between formal and informal communication in the United Nations.

1.3 LITERATURE REVIEW

This area of the study will review academic contribution in foundation and relevant literatures are assessed to serve the purpose. Moreover, this study will critically evaluate the ceremonial protocol on practice at the UN Headquarters, Regional Offices and other UN Offices worldwide for accordance. The debates are centered on the cultural differences that exist within individual UN member states and the increased number of other organizations, having in mind that "sovereign equality is a fundamental axiomatic premise of the international legal order".[5]

The work of Geoff Berridge[6] and Kurt A. Raaflaub[7] gave assess to the evolution, history and theories of ceremonial protocols and conflicting issues in diplomacy; they outlined useful information and review the agreements of states and international organizations. Protocol defined as the etiquette of diplomacy and affairs of state. A protocol is a rule which guides how an activity should be performed, especially in the field of diplomacy. Protocols specify the proper and generally accepted behavior in matters of state and diplomacy, such as showing appropriate

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[5] Juliane Kokott, *States, Sovereign Equality*, http://www.mpepil.com/sample_article?id=/epil/entries/law-9780199231690-e1113&recno=18&. *Accessed on 24/06/2011*

[6] Berridge, Geoff. *Diplomacy: Theory and Practice*, (Second Edition, Palgrave, 2002).

[7] Raaflaub, Kurt A. *War and Peace in the Ancient World*, (Blackwell Publishing, 2007).

(sovereign equality) respect to a head of state, ranking diplomats in chronological order of their accreditation at court.[8]

Review on Precedence of representatives to the United Nations [9] show how Protocol challenges have developed over the years, in form of bilateral and multi-layered diplomatic environment. Theoretically, the equality in the state treatment has invoked a conventional practice in a recent time, to serve the increased number of the UN member states, International Organizations (IOs), Non Governmental Organizations (NGOs) and other UN Family. In an instance, in the 1968 UN document on precedence of representatives to the UN, there are three governing principles of precedence among members of diplomatic missions: the first one relates to a class of the individual in the sending state's diplomatic service; secondly is whether or not the person is the *Chargé d"affaires* of the mission, and thirdly is for the date/time of the individual assumed his/her responsibilities. These governing principles have been shaped by events and practices.[10]

Jack and Levy argue that amongst the vast literature on diplomacy which has been written either by practitioners or diplomatic historians, neither category of these authors has been particularly interested in theory-building. Practitioners have tended to be vague rather than systematic, and diplomatic historians idiographic (specific) rather than nomothetic (generalize)[11]. Lynn disagree with the above and state that; "The defining characteristic of historians may not be

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[8] I.M. Radlovic, Etiquette and Protocol (New York: 1956), p.18.

[9] UN Document A/CN.4/L.129, *Precedence of representatives to the United Nations*: note by the Secretary-General (1968), Vol II.

[10] Ibid

[11] Jack. S. Levy, "Explaining Events and Developing Theories: History, Political Science, and the Analysis of International Relations," in C. Elman and M.F. Elman (eds), Bridges and Boundaries: Historians, Political Scientists, and the Study of International Relations (Cambridge, MA: MIT Press, 2001); J.S. Levy, "Too Important to Leave to the Other: History and Political Science in the Study of International Relations," International Security. vol. 22, No. 1(1997) pp. 22–33.

their dedication to the past in general, but their immersion in particular past."[12] Similarly, Elman

opines that practitioners have drawn on their own particular experiences. Neither practitioners

nor diplomatic historians have been prone to regard different historical experiences and insights

as comparable or detached from their "temporal moorings."[13]

The document of the United Nations Institute for Training and Research (UNITAR) [14]

emphasize a neutral view in diplomatic practices. To be effective, protocol has to be anonymous,

and all players have to respect, understand and accept its traditions, rules and practices. The task

of establishing precedence is probably more complex at the United Nations than in a national

setting.[15] According to Kokott,[16]"sovereign equality as a formal legal concept does not guarantee

political and economic equality. Admittedly;

> The often emphasized distinction between the juridical equality of States and their political
> and factual inequality is questionable (States, Equal Treatment and Non-Discrimination).
> This is so particularly because international law is based on practice where facts and power
> matter. Nevertheless, sovereign equality is understood formally as equality of chances of all
> States.[17]

Since its creation in 1945, the United Nations has developed its own order of precedence

drawing upon common diplomatic tradition. Precedence rules were not determined by any

international agreement or treaty. They developed over the years in the light of changing

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[12] J.A. Lynn, "Reflections on the History and Theory of Military Innovation and Diffusion," in Elman and Elman (eds). *Bridges and Boundaries*, (2001).

[13] C. Elman and M.F. Elman. "Introduction: Negotiating International History and Politics." in Elman and Elman (eds). *Bridges and Boundaries*, p. 16.

[14] UNITAR Documents, "Diplomatic Protocol" *New York Protocol*, (MDP/UNITAR, 2010), pp. 8-19.

[15] ibid

[16] Juliane Kokott. *States, Sovereign Equality*; http://www.mpepil.com/sample_article?id='epil'entries'law 9780199231690-e1113&recno=18&. *Accessed on 24/06/2011*

[17] Ibid.

circumstances and are, therefore, applied with great flexibility.[18] The headquarters of the United Nations is a distinctive complex in New York City, United States, that has served as the official headquarters of the United Nations since its completion in 1952. Though it is in New York City, and part of the United States, the land used by the United Nations Headquarters is considered international territory, while also being subject to most local, state, and federal laws.[19] The United Nations has three additional, subsidiary, regional headquarters or headquarter districts. These are located in Geneva (Switzerland), Vienna (Austria), and Nairobi (Kenya). These adjunct offices help represent UN interests, facilitate diplomatic activities, and enjoy certain extraterritorial privileges, but only the main headquarters in New York contains the seats of the principal organs of the UN, including the General Assembly and Security Council. All 15 of the United Nation's specialized agencies are located outside New York at these other headquarters or in other cities.[20]

The United Nations documents on diplomatic protocols at New York,[21] Geneva[22] and Vienna,[23] introduces the world of diplomatic protocol and teaches how to apply basic principles of protocol in the field of multilateral diplomacy. These documents contain most of the practitioners and scholars contributions to the United Nations Institute of Training and Research (UNITAR) that will enable this study, in general to identify the origins of the word "protocol" and history of the concept; explain the significance of diplomatic protocol in the international context; Name the doctrine of protocol in International Organizations; place senior staff of the

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[18] Kelsen Hans, *The Law of the United Nations: A Critical Analysis of its Fundamental Problems.* (The Law book Exchange Ltd, 2000).
[19] Ibid.
[20] UNITAR Documents, "Diplomatic Protocol" *New York Protocol*, (MDP/UNITAR, 2010),
[21] Fisher *Glen. International Negotiation: A Cross-Cultural Perspective*, (Intercultural Press. Yarmouth, Maine1980 Freeman),
[22] Guidelines on diplomatic courtesy in Geneva, *République et Canton de Genève Règlement concernant le protocole*- Federal Department of foreign Affairs: Protocol Regulations for the Swiss Confederation
[23] Lord Gore Booth, *Satow's Guide to Diplomatic Practice* Ed., (Longman, 1979).

International Court of Justice in their order of precedence and identify the Secretary-General's rank in the UN System.[24]

The documents for the New York Protocol will familiarize the study thus: to list the functions of the Office of Protocol and Liaison Service in New York; identify the international treaties at the foundation of privileges and immunities of the UN community; know the rules governing the protocol of the General Assembly, Security Council, and Secretary-General; describe the steps involved in welcoming a new permanent representative; discuss the elements guiding the relationship between the United Nations, the host country and New York City and to identify the steps in preparation for a visit of a senior official.[25]

The rules and regulations of protocol at the UN Headquarters in New York are largely reflected at the United Nations offices in Geneva, Vienna and Nairobi; hence these literatures will give a bigger picture of how the protocol in the United Nations has to take the principle of equality among member states into consideration as well as the concerns and practices of their membership at large. At the same time, while respecting the universal aspects of the United Nations, protocol has to navigate delicate waters and recognize political realities when necessary.[26]

Marcel[27] argued that the UN office in Geneva (UNOG) is constantly hosting increasing number of organizations as most important venue for multilateral conference and diplomacy, so care should be taken to protect the common principle of the organization in line to the host

[24] ibid
[25] Fisher *Glen. International Negotiation: A Cross-Cultural Perspective*, (Intercultural Press. Yarmouth, Maine1980 Freeman).
[26] ibid
[27] Boisard Marcel, former United Nations Assistant Secretary General and former Executive Director, UNITAR, speaking in 2006, www.youtube.com/watch?v=1SKwjsvnmQ. Accessed 10/6/2011

community. The study on Geneva office will look at the rules regarding precedence in Geneva; identify rankings between the principal International Organizations in Geneva; explain protocol at airport ceremonies, funerals, and commonly experienced social events; arrange the order of precedence between various international and local representatives in the Geneva diplomatic community; identify in what situations the Protocol of the Republic and Canton of Geneva applies; describe different elements of Geneva diplomatic social life; outline the differentiation between formal and informal communication in the United Nations.[28]

Further literature on the UN office at Vienna (UNOV), give incentive to this study and consider especially, the protocol regulations for the Federal Ministry for European and International Affairs and the Protocol Service for the City of Vienna and also the rules governing precedence in Vienna; provide an overview of Vienna's unique multilateral mandate; note how to welcome heads of states and other high ranking personalities to UNOV as well as engage in "diplomatic interaction"; arrange seating for the International Organizations at UNOV; Organize a social occasion, including sending invitations and arranging a seating plan according to order of precedence.[29]

1.3.1 LITERATURE GAP

It is understandable from the above literature that there is an evidence of state's cultural interplay with the general principle in protocol between the United Nations and the host nations. Likewise, cultural heritage and back ground varies from country to country as well as national conduct/constitution varies. Since international law does not influence foreign policies of countries, this work is determined to fill the literature gaps for amongst other things,

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[28] ibid
[29] Lord Gore Booth, *Satow's Guide to Diplomatic Practice* Ed., (Longman, 1979).

contemporary modifications between the United Nations, host country Kenya and the UN diplomatic community in Nairobi; since the recently promulgated constitution of Kenya. As a countries constitution changes, its foreign policy also changes militarily, politically and economically towards foreign nations, and international organizations. This study will compare the past and present relationship of UN and other host country worldwide as it affect precedence in practice, and take recommendations to be able to generate questions and interviews for appropriate data that will give material conclusions to this study.

1.4 JUSTIFICATION OF THE STUDY

Clearly protocol is not an end in itself. It is a tool for effective diplomacy. Thus protocol in international organizations requires one to constantly consider the wishes of the various players, and balance the need for rules with the flexibility demanded by the multiplicity of the social and cultural environments of the participants. Common sense and creativity are the prerequisites of protocol and this is especially true in the United Nations. Patterns of behavior and expectations are not monolithic and potential for misunderstanding between diplomats, who often have to navigate language barriers and communicate through multiple interpreters, are greater and the success of good protocol is measured by the quick solution found to address an unforeseen situation to the satisfaction of all concerned. The reality of diplomatic life is that problems cannot be avoided but with good preparation, political savvy and tact, their impact can be minimized.

In the absence of an internationally recognized structure of ranks and order of precedence, each organization develops its own standards taking into account the customs of the host country and the recognition by states of the political importance of the organization. This

study will try to examine, and document some practical example that Kenyan protocol officials have handled in bilateral and multilateral diplomatic environment, and provide an up-to-date knowledge of international ceremonials for young diplomats and protocol officials to be able to navigate in feature occurrences.

1.5 THEORETICAL FRAMEWORK

Protocol rules are based on the principles of courtesy. The central purpose in this study actually is to use the proposed framework for liberal tradition of international relations that is both non-utopian and non-normative.[30] Protocol is commonly described as a set of international courtesy rules. Diplomatic protocol is well-established and time-honored rules have made it easier for countries and people to live and work together. Part of protocol has always been the acknowledgment of the hierarchical standing of all present. In an international environment and in the conduct of diplomatic relations, ceremonial protocols have been viewed by many people as one of the centre peace of diplomatic law.

The framework of theory for this study will use idealist approach in regime theory to demonstrate the patience and humility displayed by every state; big and small alike in the international system. Regime theory is derived from the liberal tradition that argues that international institutions or regimes affect the behavior of states (or other international actors). It assumes that cooperation is possible in the anarchic system of states, indeed regimes are by definition, instances of international cooperation. According to Stephen D. Krasner, Krasner

defines regimes as "institutions possessing norms, decision rules, and procedures which facilitate a convergence of expectations."[31]

While realism predicts that conflict should be the norm in international relations, regime theorists say that there is cooperation despite anarchy. Often they cite cooperation in trade, human rights and collective security among other issues. These instances of cooperation are regimes.

1.6 HYPOTHESES

1. Protocol is a tool for effective diplomacy in the international environment.

2. Peaceful conduct of international relations suffers when states neglect diplomatic protocol.

3. Peaceful existence of an international environment can be determined by proper ceremonial protocols that grants member states equal treatment.

1.7 METHODOLOGY

This methodology will use historical analysis, case study, and data inquiry to generate the required data for this research study.

1.7.1 HISTORICAL ANALYSIS

The study pay attention to the related data, especially on the importance of United Nations Office at Nairobi, and the back ground of the making of ceremonial protocol in the international system. Thus, readers can have succinct ideas on this thesis.

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[31] Krasner, Stephen D. (ed.), *International Regimes*. (Cornell University Press, Ithaca 1983), p. 141.

1.7.2 DATA SEARCH

The study will make use of both primary and secondary data.

<u>Primary Data</u>

Data will be sourced from the Ministry of Foreign Affairs of Kenya and the United Nations office at Nairobi, to obtain data information which the researcher shall further analyze to document the vital data, for the purpose of this study. Very important (though not solely) to this study in the Host Country Unit at the United Nations Office Nairobi, the Protocol Office of the Foreign ministry Kenya and the Division for Conference Services of the UN Office at Nairobi, as report shall show later in the study. The researcher will observe both institutions, and also, use interviews and questionnaire as necessary. Both interviews and questionnaire shall be open ended.

Observational data refer to the raw materials an observer collects from observations, interviews, and materials, such as reports, that others have created. Data may be recorded in several ways: written notes, sketches, tape recordings, photographs, and videotapes. The purpose for observing a system being used is to obtain in a limited amount of time relevant data needed to change and/or improve the system[32].

The interviewee to be reached at UNON is Augustine I. Aghaulor, he is the chief, Planning and Coordination Section (PCS) - Division of Conference Service UNON. The PCS acts as the focal point for, and coordinates conference logistics and related client services and financial functions, in addition to the information technology initiatives and systems related to United Nations meetings in Nairobi and Africa. First and foremost, it assesses conference-servicing needs and plans and coordinates the conference services of UNEP and UN-Habitat and

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[32] Nyunya Olewe, "Course Unit Lecture" *Social Science Research Methods*, (Associate Professor of International Relations, IDIS, 2010)

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other United Nations system organizations stationed at Nairobi, on the basis of approved mandates and meeting requests and availability of capacity in terms of conference-servicing resources at UNON and other headquarters; assisting them in formulating those needs in the most cost-effective manner. Interview with Aghaulor will aim at getting historic and practical information on the role of precedence; within the higher officials of the UN Subsidiary bodies, specialized agencies, International Governmental Organizations (IGOs), Non Governmental Organizations (NGOs) and other regional organizations as may be necessary for the study. He is also in the best position to necessarily direct questionnaire and interviews, related to this study to the appropriate section in UNON.

Ministry of Foreign Affairs of Kenya (MFA) is the responsible entity for conducting foreign relations and liaising with international organizations like the United Nations; Permanent Mission of Kenya to the United Nations office at Nairobi[33]. The second interviewee for this study is scheduled with Guyo Wario, a political and Foreign Service Officer at the Permanent Mission of Kenya to UNON. Wario is one of the officials to represent the MFA Kenya in several conference and meetings as held in UNON, and is to provide for the study, knowledge of the protocol arrangement that involves Heads of State or Government, Cabinet Ministers, Permanent Representatives and Permanent Observers, Senior U.N. Officials, Intergovernmental Organizations and the larger U.N. family of Specialized Agencies.

There are quite a few studies on Permanent Mission of Kenya to the United Nations office at Nairobi, and very little published information about most important protocol guide from observation. Therefore most sources may only be gathered from related websites. How to select

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[33] MFA Kenya, "About Ministry of Foreign Affairs Kenya" *Online Information, http://www.mfa.go.ke/. Accessed 24/08 2011.*

useful sources from many of internet information is really a challenging task. Information posted in the website of the Ministry of Foreign Affairs Kenya will also serve purposely for primary source to this study.

Secondary Data

The secondary data sources will be obtained from relevant books, journals, government reports, law reports, and newspapers. These sources are resourceful in formulating the theoretical background and revealing the academic history relevant to the study.

.3 CASE STUDY

The case study for this research is to assess the diplomatic protocol conducts in practice at the United Nations Office in Nairobi: the key factor is on the UN relationship with host country and how the issue related to protocol is harmonized. The case study will look at how the liaison office of the Ministry of Foreign Affairs of Kenya conducts day to day foreign relations with the United Nations families at UNON. What happens when the head of state gets involve in an event of the day. How are social event handled between the Host country Kenya and the UNON and how are gifts presented. What is the protocol for mourning? This study is interested in getting answers to the above questions and more.

.4 DATA ANALYSIS

The observations will have descriptive and inferential interpretations as necessary. Expected data is qualitative and the study uses a purposeful sampling analysis. The processes and challenges will be verified from both primary and secondary data obtained for this study. The study analyses will transcript information obtained from observation field notes, interviews

and incorporate it to suite the study purpose. Quantitative analysis is insignificant to this study therefore; data analysis in the study is qualitative in nature.

1.8 SCOPE AND LIMITATIONS OF THE RESEARCH

The global aspect of diplomacy has led since the end of the Second World War to the recognition by all States of the growing importance of International Organizations (IOs) and the use of conferences as a forum for nations to find common solutions for problems, which nowadays go well beyond the confine of national borders. In general, protocol represents the recognized and generally accepted system of international courtesy. In the beginning the term protocol related to the various forms observed in official correspondence between states, which were often elaborate in nature. In course of time, however, it has become more flexible to cover a much wider range of international relations.

Moreover, from the wide range of states practices this study is limited to understanding the ceremonial protocol on practice at UN headquarters and Regional offices, which is a protocol in a multi-layered diplomatic environment. Ceremonial Protocols on the UN - host country order of precedence on an official visits, social occasions and forms of address is more of interest to this study; than the issues concerning privileges and immunities, which will be referred to from time to time in the study.

1.9 CHAPTER OUTLINE

Chapter One: Outlines the research study proposal - the general introduction, statement of the research problem, study objectives, literature review, theoretical framework Hypotheses, and methodology.

Chapter Two: Protocol in an International Environment - examines the theories and history of protocol; Review the origins of protocol from the ancient history and discuss protocol as a tool for diplomacy.

Chapter Three: United Nations Organization and Host Country Relationship; Protocol Conflict – will evaluate the ceremonial roles of the United Nations Organizations in coordinating International Relations.

Chapter Four: The United Nations office in Kenya; a study on ceremonial protocols on practice in Nairobi, the Kenyan national capital – To examine how ceremonial protocol can be conducted within the Nairobi diplomatic community, since protocol is never fixed and must be constantly adapted. Also contain the conclusion for the thesis.

Chapter Five: Conclusions.

CHAPTER TWO

PROTOCOL IN AN INTERNATIONAL ENVIRONMENT: HISTORY AND TRADITION

2.0 INTRODUCTION

A member of a delegation or a mission to the United Nations, its agencies, or one of its subsidiary organs, must have years of accumulated experience in protocol and diplomacy most likely acquired through his/her tenure in the Ministry of Foreign Affairs. This is where one had to deal on a regular basis with organizing visits of high-level dignitaries or arranging details of the travel of the Minister herself. Protocol may not be the most exciting area of international relations, but every country maintains at least one, and often more than one protocol department separately for the Head of state, the Prime Minister and the Foreign Ministry.

The chapter is on evolution; in the history and theoretical foundations of ceremonial protocol on practice today in the international environment. The international environment is a platform for inter-state relations, which is today coordinated under the United Nations Organization formed in 1945 to put an end to WWII. In history, the very first international organization; The League of Nations Union[1] disintegrated as a result of several issues which include failure to implement protocol and principles of the organization. The League of Nations which was established based on the liberalist theory in international relations as its successor; the United Nations with a purpose as to promote: international justice, collective security and a

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[1] Online, http://archives.lse.ac.uk/Record.aspx?src=CalmView.Catalog&id=LNU accessed 28/07/2011.

permanent peace between nations[2]. The failure of the League of Nations Union and other similar protocol issues are still fresh in the history of the international environment and the United Nations considers ceremonial and protocols serious in its conduct of international relations.

2.1 ORIGINS OF PROTOCOL: ANCIENT AND MIDDLE AGES

The ancient history of protocol goes as far back as there have been contacts between states, with evidence of diplomatic protocol being found in reliefs at persopolis[3]. Protocol as an official procedure or system of rules governing affairs of state or diplomatic occasions is a term protocol is derived from the Greek, protokollen, a fusion of the words protos (first) and kola (glue). It referred to a sheet of paper glued to the front of a document and providing the document with a seal of authenticity and reminds us of today's letter of credentials, usually sign by the Head of state, Head of government or Minster of Foreign Affairs, as an attestation of qualification, competence, or authority issued to state representatives. Protocol is a term also widely used in the medical and scientific field where strict rules and procedures recognized and accepted by all concerned parties are necessary in research experiment, course of treatments.[4]

The emergence of protocol can be seen as the by-product of the development of States in the context of international relationships. The reality is that rules of protocol have long preexisted states. It can be safely assume that ancient practices in the prehistoric times developed then a code of behavior and order of precedence to negotiate issues and find peaceful solutions arising out of territorial disputes or social interactions between different communities. Exchange

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[2] R. M. Douglas, *The Labour Party, Nationalism and Internationalism, 1939-1951: A New World Order;* (Routledge, 2004), p.27.

[3] Richard Langhorne, "The Decline of Diplomatic Protocol" (paper delivered at the inaugural meeting of the British International History Group, Bristol, September 1988).

[4] Juliane Kokott, *States, Sovereign Equality, http://www.mpepil.com/sample_article?id=/epil/entries/law-9780199231690-e1113&recno=18&. Accessed on 24/06/2011*

of gifts has long preexisted states in party negotiations. The use of envoys to represent the interest of a group in negotiations is as old as humanity[5]. Kurt A. Raaflaub describes in his book entitled how in pre-Islamic Iran, communication between the emperor and "the great king" was often attributed to intermediaries or envoys who were used especially for "the most important negotiations" and who "enjoyed certain privileges both in times of peace and war" including the fact that they "were not subject to the usual customs regulations and trade restrictions"[6]

Although evidence is sparse, traces exist of Egyptian diplomatic protocol in the 14th century B.C China had leagues, missions and an organized system by the 8th Century B.C and proof exists of sophisticated Indian diplomacy in the 4th century B.C messengers were widely used in ancient Greece. Mythology gods, led by Hermes, the messenger of gods protected these envoys. They are the first diplomats of the western world. Having immunity, messengers were the only means of communication during the times of war.[7]

Ancient Greece was not a large institutional structure with one metropolitan nerve center or one military system. During its era of hegemony over the Mediterranean Sea, it covered a constellation of city-states and prospered by building a web of relationships and mechanisms to deal with conflicts before war broke out and to foster economic interests in time of peace. The most important city-states also developed a system of representations to promote the policies of one city-state in other cities. Progeny decrees, which amount to letters of credentials, were issued by one state to a citizen of another for service as proxenos, a kind of honorary consul looking after the interests of the other state's citizens. Like our present-day ambassador, a proxenos

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[5] Ibid.

[6] Raaflaub, Kurt A. *War and Peace in the Ancient World*, (Blackwell Publishing, 2007). p. 6.

[7] Internet source, http://en.wikipedia.org/wiki/Iron_Age, http://en.wikipedia.org/wiki/Classical_Greece. Accessed 14/06/2011.

would use his influence and political connections to promote policies of friendship or alliance with the city he represented. [8]

Their goal was to prevent the eruption of wars between city-states and in case of conflict, to use their contact for peace negotiations. Permanent representatives existed also outside the confine of ancient Greece. Herodotus makes references to 550 BC when Greeks had permanent representatives in Egypt. Author Geoff Berridge describes in "Diplomacy: Theory and Practice" the emergence of the Greek proxenos in the city-state system of the fourth and fifth centuries BC: "Diplomatic immunity, even of the herald in war, became a more entrenched norm, and resident missions began to emerge, though employing a local citizen. Such a person was known as a proxenos."[9]

Preexisting condition developed in middle ages for the materialization of protocol in international affairs: the desire of the parties to solve problems through constructive engagement rather than through the use of force. "Wars do not require protocol; peace does"[10] and this can be seen from history, how diplomacy and protocol progressed when nations abandoned warfare in favor of negotiations. The Roman Empire in its hegemony solved problems by imposing its will by military force. As long as it was in full strength, the empire did not see the need to give consideration to the concerns of its neighbors. The strength of the army and a centralized power gave full control to the leaders of the Empire who expanded the realm of their territorial influence through brutal force. Peace demands that all parties be treated with respect and that their views be listened to in times of disagreement. Even though states are rarely, if ever,

[8] Thucydides, Donald Lateiner, Richard Crawley. *The History of the Peloponnesian War* ,
    http://en.wikipedia.org/wiki/Proxeny Accessed 24/06/2011.
[9] Berridge, Geoff. *Diplomacy: Theory and Practice*, (Second Edition, Palgrave, 2002).p. 5.
[10] Thucydides, Donald Lateiner, Richard Crawley. *The History of the Peloponnesian War* ,
http://en.wikipedia.org/wiki/Proxeny Accessed 24/06/2011.

partners of equal political and socioeconomic strength, rules of protocol allow for the parties and their representatives to feel that they are treated as equals. In a way, protocol neutralizes the possibility for human emotions to derail collaborative relationships between states by addressing such issues of pride, inferiority and even physical size of those involved[11].

After splitting into two states, both the eastern Roman Empire with its capital in Constantinople and the remnants of the Roman Empire lost their preeminence in world affairs. There was no longer a state capable of imposing its political agenda on other nations through the use of force. Succeeding emperors in Constantinople understood how the use of complex ceremonies and the development of rules of protocol could help them in maintaining political influence. The emperor saw himself as inheriting the political power of the Roman emperors creating an increased level of competition with the Roman Catholic Church that conducted an active diplomacy all over Europe but especially in Constantinople. The arrival of the envoys of the Pope from Rome to Constantinople was organized around lavish and elaborate ceremonies, which suggested power and wealth beyond what the emperor possessed. Diplomacy and protocol flourished in the court of the emperor and were instrumental in the survival of the eastern Roman Empire for over a thousand years.[12]

The modern notion of precedence followed the ascendancy of the Roman Catholic Church vis-à-vis the Byzantine Empire. Papal emissaries took precedence over secular envoys and rules were developed for the status, privileges and conduct of papal envoys, which were later, adapted for secular use. Papal envoys had letters of credence providing them with the authority to act on behalf of the Pope. The concept quickly expanded to secular envoys and

[11] Ibid.
[12] Runciman, Steven, *The Emperor Romanus Lecapenus and his Reign*, (Cambridge: Cambridge University Press, 1990), p. 9.

northern Italy established first embassies in the thirteenth century. It was in Italy that many of the traditions of modern diplomacy began, such as the presentation of an ambassador's credentials to the head of state. The practice spread from Italy to the other European powers and by the late 16th century, permanent missions became the standard and ambassador was the common term recognized for secular envoys[13].

Diplomatic representation gradually spread to Eastern Europe and beyond to Russia and the Ottoman Empire. Precedence on ceremonial and social occasions became a huge issue since the dignity of the sovereign being represented was at stake. There was little agreement and frequent strife on issues of precedence between ambassadors. A famous clash occurred in London in 1661 about whether the French ambassador's carriage should precede that of his Spanish rival. War was narrowly averted, but questions of precedence continued to bedevil European diplomacy until the Congress of Vienna of 1815 formally established an international system of diplomatic ranks. It also decided that country representatives would be seated at meetings according to the French alphabetical order and reaffirmed the principle of diplomatic immunity protecting diplomats from prosecution, a concept famously ignored by Napoleon who refused to acknowledge diplomatic immunity by imprisoning several British diplomats accused of scheming against France[14].

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[13] ibid
[14] Pierre Chaplais, *English Diplomatic Practice in the Middle Ages* (Continuum International Publishing Group, 2003), p. 1. Read more: http://en.wikipedia.org/wiki/Diplomacy. Accessed 29/07/2011.

2.2 THE HISTORY OF PROTOCOL IN THE MODERN STATE AND INTERNATIONAL ORGANIZATIONS

From the principle of state sovereignty to United Nations bureaucracies, international relations are organized by a variety of norms and institutions. The modern history of international organizations (IOs) reflects an uneven development of both the practice and concept that go under that name. International organizations include not only interstate arrangements but, increasingly, arrangements among non-governmental and transnational actors. International organization is clearly a very broad concept, which has evolved with the practice of various forms of international governance. The exponential growth of IOs and their increased role in the conduct of politics gives a new dimension to the rules of protocol. Bilateral diplomacy requires the understanding of two sets of values and procedures, whereas protocol in a multilateral setting calls for an appreciation of the underpinning culture, the concerns and the protocol of all the member states belonging to the organization, and the values of the non-state parties (observers and accredited international organizations) [15].

The 1815 Congress of Vienna was a breakthrough in European history when on a continental scale, nations sent their representatives to gather over an extended period of time to hammer out a treaty instead of relying mostly on messengers and messages between the several capitals. It was also the first occasion for rulers to make decisions affecting most European countries through an international committee. The ensuing agreement on the creation of new states and on defining borders between nations formed the framework for European international politics until the outbreak of the First World War in 1914. The League of Nations was founded immediately after the First World War. It originally consisted of forty two countries, twenty six

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[15] Moravscik, A., "Taking Preferences Seriously: A Liberal Theory of International Politics." *International Organization*, *Vol. 5, No. 4*, (2008), pp. 513-553.

of which were non-European. At its largest, fifty seven countries were members of the League.

The League was created because a number of people in France, South Africa, the UK and the US

believed that a world organization of nations could keep the peace and prevent a repetition of the

horrors of the 1914-18 war in Europe. An effective world body now seemed possible because

communications were so much better and there was increasing experience of working together in

international organizations. Coordination and cooperation for economic and social progress were

becoming important[16].

The League had two basic aims. Firstly, it sought to preserve the peace through collective

action. Disputes would be referred to the League's council for arbitration and conciliation. If

necessary, economic and then military sanctions could be used. In other words, members

undertook to defend other members from aggression. Secondly, the League aimed to promote

international cooperation in economic and social affairs. The Congress is the predecessor of the

League of Nations, the United Nations and the international conferences, which are present

standards in the conduct of foreign affairs at the multinational level and protocol principles

adopted during the Congress of Vienna and its successor, the Congress of Aix-la-Chapelle in

1818 are still applied[17].

While some of the titles and ranks codified by the Congress of Vienna are now obsolete,

the basic principle of precedence among diplomats has not changed. Today in the United

Nations, order of precedence of ambassadors for ceremonial purpose follows the date of their

presentation of credentials to the head of the organization; however, as representatives of the

country, they are seated at meetings according to the alphabetical order adopted by the

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[16] Ibid.
[17] The text of this Protocol is reproduced in Charles Calvo, *Ledroit international theorique et pratique*, 5th ed. Vol. 3, No. 1 (Paris, Arthur Rousseau, 1896), p. 184.

organization. IOs still use the alphabetical principle for seating representatives. The United Nations in New York seats delegations alphabetically by the state's name in English, with the first letter of the alphabet being determined annually by lot. In Geneva, the order followed is the French version of state names. The European Union Council resolved the political issue of language by seating states in alphabetical order following the state's own language, while the EU Commissioners sit by date of appointment[18].

The protection of diplomatic personnel in the country where they exercised their functions had been accepted as a *modus vivendi*[19] of bilateral relations since the 18th century but the principle had been ignored and even violated at numerous occasions, and the 1815 Congress of Vienna saw the need to reaffirm the notion of inviolability of diplomats. The end of the colonization led to the increase in the number of independent states and a concomitant growth of embassies, missions and diplomats and the need emerged for internationally accepted standards of diplomatic immunity. The Vienna Convention on Diplomatic Relations of April 1961 defines the privileges and immunities of a diplomatic mission and codifies the rules and agreements, providing standards and privileges to all states. However, the privileges and immunities afforded to the foreign personnel of IOs vary and are defined in the host country agreement signed between the organization and the country where it is headquartered.[20]

Protocol in the United Nations and other international organizations serves to create and maintain a framework and atmosphere in which peaceful relations among member states of the United Nations can flourish. The basic principle of the United Nations is equal representation: one country, one vote and all protocol and practices used in the conduct of business at the United

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[18] I.M. Radlovic, Etiquette and Protocol (New York: 1956).
[19] RAWLS, J., *Political Liberalism*, (New York: Columbia University Press, 1996), P. 147.
[20] United Nations, *Treaty Series*, vol. 11, (Yearbook of the International Law Commission, 1969) p. 26.

Nations gears towards the equal treatment of the member states. At the same time, the reality is that political power is not distributed evenly among nations and all acknowledge the dominance of a limited number of member states. Cooperative international order implies harmony and not necessarily equilibrium. For example, the status of the five permanent members of the Security Council, China, France, Russia, the United Kingdom and the United States is often reflected in protocol practices[21].

Having in mind that protocol is not an end in itself but a tool for effective diplomacy, thus protocol in international organizations requires one to constantly consider the wishes of the various players, and balance the need for rules with the flexibility demanded by the multiplicity of the social and cultural environments of the participants. Common sense and creativity are the prerequisites of protocol and this is especially true in the United Nations. Patterns of behavior and expectations are not monolithic and potential for misunderstanding between diplomats, who often have to navigate language barriers and communicate through multiple interpreters, are greater and the success of good protocol is measured by the quick solution found to address an unforeseen situation to the satisfaction of all concerned. The reality of diplomatic life is that problems cannot be avoided but with good preparation, political savvy and tact, their impact can be minimized.[22]

The growth of IOs, both governmental and nongovernmental, has added a new dimension to the complexity of protocol as no standards exist on the ranks and order of precedence of the Heads of the organizations and their high-ranking officials. In the absence of an internationally recognized structure of ranks and order of precedence, each organization develops its own standards taking into account the customs of the host country and the recognition by states of the

[21] J.S. Goldstein, J.C. Pevehouse. *International Relations,* Eighth ed.(Pearson Longman, 2008) P.263.
[22] UNITAR Documents, "Diplomatic Protocol" *New York Protocol,* (MDP/UNITAR, 2010), P. 13.

political importance of the organization. Organizations like the United Nations and its agencies, the African Union, the League of Arab States or the European Union, to name a few, call for the heads of the organizations and their senior officials to operate with access to government officials of at least ministerial level[23].

Diplomatic protocol changes and develops by mirroring broader societal norms. Protocol is often considered to be synonymous with formality, but diplomatic protocol provides the commonly accepted norms of behavior for the conduct of relations between states. Many protocol pundits have pointed out that the 20th century has witnessed a growing informality in the practice of diplomacy, largely by the evolution and strengthening of mechanisms that promote a more equal treatment of all states.[24]As informality becomes the norm in diplomacy, so diplomatic protocol helps to systematize new forms to be used in written communication between the International Organizations and its members and this is especially true in the community of the 193 members of the United Nations where it would be too impractical to recognize a plethora of forms of address. Written communication has migrated for routine matters from letters and Note Verbal to e-mails. Digital diplomacy is here to stay[25].

2.3 HISTORY OF MODERN PROTOCOL IN MULTILATERAL SETTINGS OF IR

As no protocol standards exist for international organizations, then reviewing, through specific examples of best practices in the history of international relations will assist in the approach to most witnessed issues with regards to ranks, order of precedence, flag code, seating

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[23] A.K. Lindblom, *The Legal Status of Non-Governmental Organizations in International Law* (Philadelphia: University of Pennsylvania Press, 2001), p. 376.

[24] Goldstein Erik. "Developments in Protocol" in J. Kurbalija, ed. *Modern Diplomacy* (Malta: Mediterranean Academy of Diplomatic Studies, 1998), pp. 49-56.

[25] With the admission of the *Republic Southern Sudan as UNITED NATIONS member on July 14 2011*, the number of the UNITED NATIONS member states becomes 193. Out of the 193 Member States, 192 maintain a Permanent Mission in New York. The only exception is Kiribati

arrangements, and standard forms of addresses, etc. The intent is not to give a definitive answer to specific situations but through these examples to provide some ideas on how protocol has been developed and used in multilateral settings to allow for best conduct of international relations.

Immediately after the second world war, the International Court of Justice (ICJ) was established as a successor to the Permanent Court of International Justice (PCIJ) (which existed under the League of Nations).[26] The question of precedence arose between ambassadors accredited in the Netherlands and the members of the Court (president, vice president, judges and registrar). The issue was finally settled during the tenure Sir Mohammand Zafrulla Khan of Pakistan as President of the Court (1970- 1973). He broached the subject with the Dutch authorities, most likely with the Queen herself and established the following: in terms of precedence, the president of the court comes first, followed by the dean of the diplomatic corps (who is the longest serving ambassador to a country), then the second most senior Ambassador, the vice president of the court, the next ambassador in seniority, the most senior judge of the court, and so on. This remarkable result can be ascribed to the great importance attached by the Dutch to the rising "role" of The Hague as "judicial capital of the world", and to the personal brilliance and charm of the president of the court.[27]

The precedence has evolved since the creation of the United Nations Organization, especially with regards to the president of the general assembly who formally has precedence over the Secretary-General while the general assembly is in session. However, the on-going presence of the Secretary-General at the United Nations, his participation in the work of the security council and other organs of the United Nations, and his political visibility throughout the

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[26] International Court of Justice (ICJ), *Permanent Court of International Justice(PCIJ)*, *http://www.icj-cij.org/pcij/index.php?p1=9, Accessed 5/09/2011.*

[27] I.C.J. Acts and Documents No. 5, pp. 201-213.

world, have slowly shifted the precedence to give the Secretary-General equal rank to the president even when the general assembly is in session[28].

The Secretary-General of the United Nations precedence has never been scripted formally as it varies according to the protocol of the countries he visits and the role the United Nations will play at any such international meetings and conferences. In countries where the United Nations presence is sustained by peace-keeping operations, the prominence of the Secretary-General is such that he is usually granted the rank of head of state or head of government during official visits. The attendance of the Secretary-General at international conferences is an opportunity for bilateral meetings to be held on the side and the organizers of the conference, who usually belong to the ministry of foreign affairs of the host country and ensure that appropriate hotel accommodations and office space is provided to the Secretary-General and his delegation[29].

Part of the protocol planning of the visit is to review the standard of the hotel accommodation reserved for the Secretary-General who is often accompanied by his wife but the best planning cannot prevent unforeseen situations to occur. While the organizers at the occasion of a planning visit guarantee that a "presidential villa" will accommodate the Secretary-General, the day before his arrival, the chief of protocol can be told that a delegation has suddenly requested for security reasons to rent all "presidential standalone" villas whatever the cost is and that a 'suite" will be provided to the Secretary-General![30]

Organizing seating plans and seating arrangement is always tricky and never as much as at the occasion of the funerals of a head of state. A famous instance is the case of the funeral of

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[28] City of New York, Office of Protocol & US Department of State, http://www.sandiego.gov/commlegissvcs/protocol/guidelines/precedence.shtml Accessed 30/7/2011.
[29] UNITAR, *Diplomatic Protocol*, (MDP/UNITAR, 2010), p. 15
[30] Ibid.

Japan's emperor Hirohito attended by leaders from around the world. Japanese protocol dictates that heads of state be accorded precedence by the date on which they assumed their position. However, when president Bush who had just taken office and was the junior head of state, announced his intention to attend the funeral of the emperor, the Japanese government decided to treat the funeral as a celebration of emperor Hirohito's life and not as a state event. It was thus announced that heads of states would be precedence in the order of countries the emperor had visited during his life. This resulted in placing the president of the United States at the centre of the front row of attendant heads of state[31].

The European Union for instance is an intergovernmental organization accredited to the United Nations. Its senior representatives do not fall into the standard category of diplomats of country mission. However, Javier Solana[32], the former high representative for the common foreign and security policy (1999- 2009) was considered at the level of ministry of foreign affairs in recognition of the importance of the European Union to spearhead initiatives in the political and security sectors well beyond the European borders. Confusion in terms of precedence arose when both Mr. Solana and Benita Ferrer-Waldner, the European Union commissioner for External Relations attended the same event, and was solved after appropriate consultations with the local representatives of the Union. With the recent creation of several new high-level posts in the European Union structure, including the Vice President and High Representative of the European Union served currently by Lady Catherine Ashton,[33] one understands again why protocol is never fixed and must be constantly adapted. Both the political significance as well as

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[31] Susan Chira, "Special to the New York Times" *With Pomp and on a Global Stage, Japanese Bury Emperor Hirohito* (Published: February 24, 1989)

[32] Online, http://en.wikipedia.org/wiki/Javier_Solana Accessed 20/6/2011.

[33] Charlemagne "What the EU's new leaders tell us about Europe". (19 November 2009), http://en.wikipedia.org/wiki/High_Representative_of_the_Union_for_Foreign_Affairs_and_Security_Policy. Accessed 20/6/2011.

institutional position of representatives should be taken account when establishing terms of precedence in such situations.

Hosting a dinner or at least a lunch is now routinely part of the programme of international meetings and today, with ease of travel, the host country can be assured that a high-number of VIPs will attend. Depending on the importance of the meeting, representation of Member States is often at the level of heads of state and heads of government. Such meetings are opportunities for high-level government representatives to interact socially and discreetly. According to the guidelines provided by the "US Department of State in their document protocol for the modern diplomat, "Guidelines for seating and service follow, but keep in mind that they may be adapted to each event. Both the guest of honor and other guests must know who has the place of honor. In the United States, the place of honor for a man is at the right of the hostess; for a woman, it is at the right of the host. However, in some countries, the place of honor is at the left of the host/hostess. The host and hostess can sit at opposite ends or across from one another at the same table. They may also be seated at separate tables. If so, each chooses a co-host or cohostess, creating two more seats of honor. After the guest of honor and the host(ess) or cohost(ess) are seated, the arrangement goes by rank, gender, and nationality. As a general rule, couples sit across the table from each other, not side-by-side."[34]

2.4 HISTORY OF PROTOCOL ON PRACTICE AT THE UNITED NATIONS HEADQUARTERS AND REGIONAL OFFICES

When the founders of the United Nations sat for diplomatic conference in 1945 and outlined the structure and purpose of the organization, protocol considerations were clearly not foremost in their thoughts. The need for protocol was taken for granted but no committee was set

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[34] Online, Protocol for Modern Diplomat, www.au.af.mil/au/awc/awcgate/state/protocol_for_diplomats.pdf

up to decide on an order of precedence among the diplomats of the original 51 Member States or the United Nations officials who would soon start to work together in its midst. In view of the complexity of the United Nations and the number of member states involved, wisdom prevailed. Some issues are best left untouched; as the world changed, protocol adjusted and adapted. The increased number of women with prominent positions in our political world impacts protocol, and who could have imagined 60 years ago that official communications could take on the form of emails? The protocol practiced at the United Nations also evolved with each Secretary-General, reflecting their culture and personality. [68]

As stated in the last chapter, apart from the United Nations headquarters in New York, the United States of America, the United Nations has three additional, subsidiary, regional headquarters or headquarter districts. These are located in Geneva (Switzerland), Vienna (Austria), and Nairobi (Kenya). These adjunct offices help represent United Nations interests, facilitate diplomatic activities, and enjoy certain extraterritorial privileges, but only the main headquarters in New York contains the seats of the principal organs of the United Nations, including the general assembly and security council. All 15 of the United Nation's specialized agencies are located outside New York at these other headquarters or in other cities. [69]

The United Nations Office at Nairobi (UNON) began its operations on 1 January 1996 as part of the Secretary-General's review of the efficiency of the administrative and financial functioning of the United Nations, and the restructuring of the United Nations Secretariat. The office was created to render common administrative services to the United Nations Environment

[68] Department of Public Information, United Nations. http://www.United Nations.org/aboutun/milestones.htm. Accessed 10 April 2011. also see The UNITAR Documents, 2010, *Op Cit. (fn. 23)*.
[69] United Nations Visitors Centre, http://visit.United Nations.org/wcm/content/. Accessed 10/May/2011 http://en.wikipedia.org/wiki/United_Nations_Headquarters.

Programme (UNEP) and the United Nations Centre for Human Settlements (Habitat), as well as to other United Nations agencies in Nairobi, as may be required[37].

The Austrian government built the Vienna International Conference (VIC) in 1979 and invited several international organizations to be headquartered in Vienna at the facility. As a major seat of United Nations activities, the city plays host to a number of important organizations, including[38]: United Nations Secretariat with its Office on Drugs and Crime (UNODC); International Atomic Energy Agency (IAEA); United Nations Industrial Development Organization (UNIDO); Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO Prep-Com); United Nations Commission on International Trade Law (UNCITRAL); United Nations Office for Outer Space Affaires (UNITED NATIONS-OOSA); International Commission for the Protection of the Danube River (ICPDR).

The United Nations Office at Vienna (UNOV) has for centuries been an important hub of diplomacy. Many important international treaties pertaining to diplomacy have been reached in Vienna's corridors, including the Congress of Vienna (1814-1815), the Vienna Convention on Diplomatic Relations (1961), and the Vienna Convention on Consular Relations (1963). Vienna has historically been perceived as a desirable location for diplomatic appointment, ostensibly for its central geographical location on the European continent as well as being the former seat of the Austrian-Hungarian empire. Works of classic literature have cited Vienna as an important diplomatic post[39].

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[37]Note by the Secretary-General of the United Nations, *Inspection of the administrative and management practices of the United Nations Office at Nairobi* (see A/49/336 Distr.: General 14 November 2001).

[38] United Nations "Vienna International Centre",*Vienna and Vienna International Centre*, (Exhibition At The United Nations Headquarters New York, In September 2007 And Geneva, In October 2008), pp. 1-29.

[39] Encyclopedia, "History", *The Columbia Electronic Encyclopedia*, 6th ed. (Columbia University Press , 2007),

The United Nations office at Geneva (UNOG) has been involved in the "international life" since the 16th century. Having become protestant at the reform, the city served as a refuge for many protestants chased from France and Italy, and was called the protestant Rome. In the 19th century Geneva became the "humanitarian" city through the creation of the International Committee of the Red Cross (ICRC) by one of the city's sons, H. Dunant. Half a century before the city had already lost its formal independence by becoming the 22nd Canton (State) of the Swiss Confederation, known under its new title as the republic and canton of Geneva. In 1919 it was chosen as the headquarters of the newly created League of Nations and International Labor Organization. Since then, it has another title, international Geneva[40].

This international Geneva developed dramatically after the word war II by hosting a number of newly created organizations like World Health Organization (WHO), World Meteorological Organization (WMO), World Intellectual Property Organization (WIPO), etc. and by having the UNOG take over the League of Nations' Palais des Nations. Geneva is proud of these various titles and fully plays its role of host, very often acting side by side with Switzerland as the host country. As a result of its unique history and character, one must take into account three different layers of protocol in Geneva: protocol of International Organizations (IOs), Geneva protocol and Swiss protocol (although the latter one is seldom used). Geneva is the most active center of multilateral diplomacy in the world. It hosts about 4000 yearly meetings attended by more than 150,000 delegates[41].

Vienna, city and province, Austria: History — Infoplease.com
http://www.infoplease.com/ce6/world/A0861786.html#ixzz1X7GaTCkf. Accessed 23/08/2011.
[40] Gigliotti, Simone, "Genocide yet again" *Australian Journal of Politics and History*, (Vol. 53, No. 1, 2007), pp. 84-95.
[41] UNITAR, "Diplomatic Protocol", *Geneva Protocols*, (2010) *Op Cit (fn.30), p.6*

In conclusion, history is an important part of every study and the history of protocol in an international environment is a necessary part of this study, in a sense that protocol as a topic is quit broad and will be best distinguished by proper history review on the fused area of interest. The focal area of interest here is talking about protocols that involve the practice of diplomacy, and how the practices have evolved over centuries to the present day of the 21st century. We can conclude (argue) from history that ceremonial and protocols have not changed dramatically rather, have taken shape; according to international politics and how the leading world power chose best to tolerate international affairs-serving their national interest in a more fashioned diplomacy and practices.

CHAPTER THREE

THE UNITED NATIONS HEADQUARTERs, HOST COUNTRY RELATIONSHIP AND PRECEDENCE

3.0 INTRODUCTION

In chapter two, a brief history of international protocols have been introduced, its significance in the diplomatic community, and specifics regarding protocol in international organizations. In this chapter, we will advance into more detail through the different levels of ceremonial protocol at the United Nations offices. As described in the last chapter, a practical protocol conflict situations and eventual solution, this chapter will demonstrate some anticipated conflict on ceremonial protocol at the United Nations and the anticipated solutions to such protocol conflicts.

3.1 THE UNITED NATIONS AND ITS RELATIONSHIP WITH HOST COUNTRY

The headquarters of the United Nations is a distinctive complex in New York City, United States. The United Nations has three additional, subsidiary, regional headquarters or headquarter districts. These are located in Geneva (Switzerland), Vienna (Austria), and Nairobi (Kenya). These adjunct offices help represent United Nations interests, facilitate diplomatic activities, and enjoy certain extraterritorial privileges, but only the main headquarters in New York contains the seats of the principal organs of the United Nations, including the general assembly and security council. All 15 of the United Nation's specialized agencies are located outside New York at these other headquarters or in other cities.[1]

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[1] United Nations Visitors Centre, http://visit.United Nations.org/wcm/content/, Accessed 10/May/2011
http://en.wikipedia.org/wiki/United_Nations_Headquarters.

The relationship between the United Nations and the United States as the host country to the headquarters are detailed in the treaty signed between the United States and the United Nations. As for the land and the premises occupied by the United Nations, the agreement specifies that the district of the United Nations headquarters remains under the law and judicial jurisdiction of the United States.[2] article 3, section 7(b) of the agreement states thus: "except as otherwise provided in this agreement or in the general convention, the federal, state and local law of the United States shall apply within the headquarters district."[3] "Section 8 of the same article gave power to the United Nations to make regulations and stated thus;

> The United Nations shall have the power to make regulations, operative within the headquarters district, for the purpose of establishing therein conditions in all respects necessary for the full execution of its functions. No federal, state or local law or regulation of the United States which is inconsistent with a regulation of the United Nations authorized by this section shall, to the extent of such inconsistency, be applicable within the headquarters district. Any dispute, between the United Nations and the United States, as to whether a regulation of the United Nations is authorized by this section or as to whether a federal, state or local law or regulation is inconsistent with any regulation of the United Nations authorized by this section, shall be promptly settled as provided in section 21. Pending such settlement, the regulation of the United Nations shall apply, and the federal, state or local law or regulation shall be inapplicable in the headquarters district to the extent that the United Nations claims it to be inconsistent with the regulation of the United Nations. This section shall not prevent the reasonable application of fire protection regulations of the appropriate American authorities.[4]

The section 21of the agreement on disputes, "article VIII section 21(a) states that;

> Any dispute between the United Nations and the United States concerning the interpretation or application of this agreement or of any supplemental agreement, which is not settled by negotiation or other agreed mode of settlement, shall be referred for final decision to a tribunal of three arbitrators, one to be named by the Secretary-General, one to be named by the Secretary of State of the United States, and the third to be chosen by the two, or, if they should fail to agree upon a third, then by the President of the International Court of Justice.[5]

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[2] Host Country Agreement, 4 August 1947. http://www.jstor.org/pss/2193692. Accessed 3/8/11.
[3] Agreement between the UNITED NATIONS and the US regarding the Headquarters of the UNITED NATIONS, Article III section 7(b). http://www.jus.uio.no/english/services/library/treaties/14/14-05/United Nations-usa-headquarters.xml. Accessed 6/8/11.
[4] Ibid, article iii, section 8(b).
[5] Ibid, article viii, section 21(a).

When the United Nations was established, the privileges and immunities of United Nations officials and the representatives of member states needed to be established. The current legal system was based on a series of international agreements starting with the United Nations charter until the Vienna Convention on Diplomatic Immunities was adopted in 1961. The privileges and immunities of international organizations was largely uncharted territory when the United Nations was established in 1945. The charter, article 105, paragraph 1, specified that "the organization shall enjoy in the territory of each of its members such privileges and immunities as are necessary for the fulfillment of its purposes." [6] The preparatory commission recognized that an adequate system of privileges and immunities was essential for officials of the United Nations to be free from pressure by individual governments and to discharge their duties efficiently. [7]

It was with this background that the Convention on Privileges and Immunities of the United Nations was negotiated and adopted by the general assembly on 13 February 1946. Sometimes referred to as the "New York convention," it defines and specifies numerous issues relating to the status of the United Nations, its assets, and officials, in terms of the privileges and immunities that must be granted to them by its member states. According to the "New York convention," only the Secretary- General, the under-Secretary-Generals and the Assistant Secretary- Generals have diplomatic immunities. All other officials of the United Nations are granted functional immunities. UNDP, UNFPA, UNCDF and UNICEF were established by the general assembly as Funds and Programmes of the United Nations. They are covered by the 1946 convention. [8] Subsequently, the general assembly recognized the need for the agencies to enjoy

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[6] Report of the Preparatory Commission of the United Nations, 23 December, 1945, Section 2 Para 6

[7] Constitutions of most international organizations merely state that the organization is entitled to the legal status and privileges and immunities, which it needs to function effectively. *See, e.g.* U,.N . CHARTER arts. 104, 105; Constitution of the International Labour Organization, arts. 39, 40, *available at* http://www.ilo.org/public/english/about/iloconst.htm; Accessed 25/08/2011.

[8] The General Convention on *Privileges and Immunities of the United Nations*, 13 February 1946.

the status of a legal person and to extend privileges and immunities modeled on those granted to the United Nations. It adopted the convention specific to the agencies in November 1947. It was submitted to the specialized agencies for acceptance and entered into force on 2 December 1948.[9]

Finally sixteen years after the launching of the United Nations, the conference on Diplomatic Intercourse and Immunities adopted The Vienna Conventions on Diplomatic Relations, an international treaty which enumerates the privileges and immunities granted to the members, premises and communication of a diplomatic mission. It details the rules covering diplomatic privileges and immunities of the 193 permanent missions and distinguishes between the various categories of the members of diplomatic missions. The Holy See, in his quality of non-member state maintains a permanent mission in New York and is covered by the Vienna convention.[10] The United States through bilateral agreements, has in certain cases granted specific privileges to a number of missions, especially with regards to the tax exemption status of premises.

Though the headquarters of the United Nations is in New York City, and part of the United States, the land used by the United Nations headquarters is considered international territory, while also being subject to most local, state, and federal laws.[11] The presence of the United Nations headquarters and the diplomatic corps ensures New York City's prestigious role as the international "capital of the world." The New York City commission for the United Nations serves as the city's primary liaison between the offices of the Mayor, the United

[9] Ibid, 21 November 1947.
[10] Palestine maintains a Permanent Mission in New York and participates as an *Observer to the work of the General Assembly.*
[11] Kelsen, Hans (2000). *The law of the United Nations: a critical analysis of its fundamental problems,* (The Law book Exchange, Ltd), p. 350.

Nations, and the one hundred and ninety two Permanent Missions. It also supports one hundred and ten consulates at the moment. The commission facilitates positive relations among members of the United Nations community, local, state, and federal governments, as well as New Yorkers[12].

The United States mission to the United Nations (USUN) was created in 1947 by an act of congress to assist the president and the department of state in conducting United States policy at the United Nations. The United States mission to the United Nations has approximately one hundred and fifty staff members who represent the United States" political, economic, social, legal, military, public diplomacy and management interests at the United Nations. Through its host country affairs section, the mission assures that the obligations of the United States to the United Nations and to the United Nations community in New York are upheld. The host country affairs section arranges, at the request of the permanent missions, airport courtesies on arrival and departure, and "over flight and landing request" for diplomatic (special) aircraft. This airport assistance is limited to only "high-ranking" foreign officials arriving and/or departing from New York City area airports and other major airports in the United States. A high ranking foreign official is defined as: "An official at the ministerial rank or higher, who is considered the senior-most officer of state appointed to head an executive or administrative department or agency of that government."[13]

Other United Nations offices and regional headquarters have host country unit, according to the United Nations and host country mutatis mutandis[14] as may apply to foster flexibility in the affairs of international relations. These units almost serve same purpose, except that agencies

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[12] In addition to a new state of the Republic of Southern Sudan, created July 2011.
[13] USUN, http://usun.state.gov/about/host_aff/c32161.htm. Accessed 15 July 2011.
[14] "Oxford Learner's Dictionary, "making the small changes that are necessary for each individual case, without changing the main points"

and organizational arrangement differs and some cultural regards and curtsy is considered vital in these relationships[15].

Status of Intergovernmental and Other International Organizations (which do not belong to the United Nations system)

In addition to the current one hundred and ninety three member states, and The Holy See and Palestine, the United Nations welcomes many international agencies and entities to become observers to the general assembly. Observers have the right to speak at United Nations general assembly meetings, to participate in procedural votes, and to sponsor and sign resolutions, but not to vote on resolutions and other substantive matters. Most of the intergovernmental organizations recognized as partners by the general assembly have an office in New York. The level of the privileges and immunities, if any, is not standardized and is determined on a bilateral basis, between the organization and the host country.

3.2 UNITED NATIONS HEADQUARTERS, CEREMONIALS AND PROTOCOL

As the world strives for stability and peace, the United Nations has the highest responsibility in the international system; to manage international protocols and ensure that the interest of member states and all other organizations are protected on an equal chance. The initial membership of 51 member states has grown to 193. These days, representatives of one hundred and ninety three Member States[16], two permanent observers (Holy See and Palestine), countless intergovernmental organizations, other international entities and specialized agencies work together with the respect and harmony provided by good protocol. The protocol and liaison service of the United Nations supports over 10,000 diplomatic and non-diplomatic personnel

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[15] For host country agreements, see the respective country and organizations website; also see United States Headquarters Agreement, (Public Law, 4 August 1947), pp. 80-357.

[16] With the admission of the *Republic Southern Sudan as United Nations member on July 14 2011*, the number of the United Nations member states becomes 193. Out of the 193 Member States, 192 maintain a Permanent Mission in New York. The only exception is Kiribati

who work in the permanent and observer missions as well as in the other international organizations accredited to the United Nations[17].

Of all United Nations duty-stations, New York has the largest number of international delegations who visit the United Nations at the highest level on a daily basis, either to meet with the Secretary-General and the president of the general assembly, or to attend the dozens of international conferences and meetings which take place at headquarters. On a yearly basis, the office of protocol and liaison service provides accreditation and appropriate entry documents for over 20,000 delegates.[18]

The functions of the office of protocol and liaison service can be summarize to include *inter alia*. The registrations as below to establish diplomatic privileges and immunities as appropriate: members of the permanent and observer missions, diplomatic personnel and support staff of other international organizations, United Nations senior officials, as well as their families and household employees; The accreditation of representatives of permanent/observer missions, intergovernmental organizations, and specialized agencies who attend meetings at headquarters; The protocol arrangements of the general assembly, the security council and international conferences including accreditations of the participants; The presentation of credentials of the new Permanent Representatives (PR) to the Secretary-General; The protocol arrangements required for the attendance of the Secretary-General and his spouse to international conferences abroad; The organization of the visits of Heads of State as well as government and cabinet ministers to the United Nations; The organization of special events for the Secretary-General; The signing of book of condolences on behalf of the Secretary- General and other ceremonies,

[17] Ronald A. Walker, Brook Boyer, "Multilateral Conferences and Diplomacy" *A Glossary of Terms for United Nations Delegates*, (UNITAR, 2005), p. 4.
[18] The United Nations Protocol and Liaison Service, http://www.United Nations.int/protocol/. Accessed 29/6/2011

which take place in periods of mourning; The unveiling of the gifts of member states to the United Nations; The publication of the "blue book" which includes the list of the diplomatic personnel of all permanent/observer missions and international non-government organizations accredited to the United Nations by the general assembly[19].

To understand and appreciate the ceremonial protocol of the United Nations, we need to refresh ourselves with the basic purposes of the organization as outlined in "article 1 of the charter:

> To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace; secondly; To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace; To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; To be a centre for harmonizing the actions of nations in the attainment of these common ends[20].

The second of these four purposes is the guiding rod of United Nations protocol: relations between nations are friendly; the principle of equal rights among people cannot be challenged. Protocol in the United Nations has to take the principle of equality between member states into consideration as well as the concerns and practices of their membership at large. At the same time, while respecting the universal aspects of the United Nations, protocol has to navigate delicate waters and recognize political realities when necessary. To be effective, protocol has to

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[19] Ibid.
[20] United Nations Charter, *Purposes and Principles*, Chapter I -Article I, (San Francisco, 26 June, 1945)

be anonymous, and all players have to respect, understand and accept its traditions, rules and practices[21].

3.3 ORDER OF PRECEDENCE AT THE UNITED NATIONS HEADQUARTERS

Since its creation in 1945, the United Nations has developed its own order of precedence drawing upon common diplomatic tradition. Precedence rules were not determined by any international agreement or treaty. They developed over the years in light of changing circumstances and are, therefore, applied with great flexibility[22].

The task of establishing precedence is probably more complex at the United Nations than in a national setting because, as a rule, protocol and social functions involve several groups of participants: heads of state or government, cabinet ministers, permanent representatives and permanent observers, senior U.N. officials, intergovernmental organizations and the larger U.N. family of specialized agencies. The task is compounded by having to balance the numerous national titles, such as state secretary and director-general or senior vice-minister and special adviser with cabinet rank, and to give each of them their proper due. The president of the general assembly is held to be the most senior, followed by the Secretary-General when the general assembly is in session; that order is reversed for the rest of the year when the Assembly is not in session[23].

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[21] Referring to *Principle of Reciprocity*, where favors are returned accordingly and member state/s cannot be forced with compliance to its obligations but cannot be allowed to neglect same obligations either. The United Nations charter in theory has not provided any special relationship with any state. See Ian Johnston, "*Treating International Institutions as Social Environments*," *International Studies Quarterly*, Vol. *45*, No. *4* (December *2001*), pp. *487-516*.

[22] Kelsen Hans, (2000) *Op Cit (fn8)*

[23] City of New York, Office of Protocol & US Department of State, http://www.sandiego.gov/commlegissvcs/protocol/guidelines/precedence.shtml Accessed 30/7/2011.

The order of precedence after heads of state and government, vice-presidents or crown princes and prime ministers, is the following when all participants are at the ministerial level: the president of the security council, the vice-presidents of the general assembly, the president of the international court of justice, ex-presidents of the general assembly, ministers for foreign affairs, presidents of ECOSOC and the Trusteeship Council, other cabinet ministers, chairmen of the general assembly committees, deputy foreign ministers, permanent representatives[24].

The general assembly hall, with 1800 seats, is the largest conference room in the United Nations complex. The design of the room was a collaborative effort by the team of eleven architects that designed the headquarters, and in order to emphasize the international character of the room it contains no gift from any member state. It is also the only conference room at the headquarters with the United Nations emblem. Every September, frenzy takes over the city of New York. Together with the United Nations, it gets ready to receive world leaders who attend the general debate, the launching point of the general assembly[25].

Heads of states, heads of governments, ministers of foreign affairs, heads of major international organizations, other dignitaries and their spouses all flock to New York to be present during that week. The success of the event requires close collaboration between the United Nations and various security agencies of the city of New York, the state of New York and the federal government. The general debate is routinely scheduled to start on the third Tuesday in September. It is the occasion for world leadership to map out in front of the international community the vision of their government on the agenda of work of the United Nations for the year to come. This gathering of close to two hundred key players of international politics

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[24] A.K. Lindblom, *The Legal Status of Non-Governmental Organizations in International Law* (Philadelphia: University of Pennsylvania Press, 2001), p. 375.
[25] General Assembly, United Nations, http://www.United Nations.org/en/ga/. Accessed 12 July 2011.

represents a major protocol challenge. Thousands of diplomats, support staff, security personnel, media, etc, have to be accredited to get access to the general debate and to the meetings organized in parallel.[26]

The presence of the world's political leadership at the United Nations represents a unique opportunity for both formal and informal gatherings at the multilateral and bilateral level. Over the last few years, the Secretary-General has used the opportunity of having so many heads of states and governments present at headquarters to hold mini-summits over the week of the general debate on important issues like the food crisis, the financial crisis etc. The Secretary-General has at least one hundred and twenty meetings with foreign delegations during that week. In parallel, bilateral meetings take place discretely throughout the building between various presidents, prime ministers and ministers of foreign affairs. The cardinal principle between member governments is the equality of states. The country which occupies the front-most left position is rotated annually by ballot. Each year, a ceremony is held where the Secretary-General draws out the country which will take the first seat to the left in the front row of the assembly hall. The remaining countries fall into line, according to the English alphabet.[27]

The security council chamber in the United Nations conference building was the specific gift of Norway. The mural painted by the Norwegian artist Per Krohg depicts a phoenix rising from its ashes, symbolic of the world reborn after world war II. In the blue and gold silk tapestry on the walls and in the draperies of the windows overlooking the east river appear the anchor of faith, the wheat stems of hope, and the heart of charity.[28]The security council follows its own rules and procedures and its own protocol. The presidency is based on a monthly rotation of the

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[26] Ibid.
[27] Ibid.
[28] Ngeborg Glambek, Scandinavian Journal of Design History, vol. 15, 2005, pp. 8-39.

fifteen member states in the alphabetical order of their English names at a semicircle table. The Secretary-General and the sitting president of the council sit in the middle of the circle, next to protocol escorts heads of state and government who attend meetings of the security council.[29]

The protocol ranking of the Secretary-General deserves special attention as it reflects the position and standing of the United Nations in the world. At headquarters, heads of states and governments are greeted at the door of the secretariat by the chief of protocol who escorts the dignitaries to the office of the Secretary- General. The practice is for the Secretary-General to wait for heads of state at the elevator door. Heads of government are greeted in the middle of the corridor leading to the conference room of the Secretary-General. Minister of Foreign Affairs and other dignitaries are escorted to the waiting room or directly into the conference room. Outside the United Nations headquarters, as the United Nations has gained in importance and prestige, what was initially an exception has slowly become a rule and the Secretary-General is nowadays given the honors accorded to a head of state in the majority of countries he visits. At the very least, he is received as a head of government[30].

While again there is no written rule concerning the hierarchy within the same rank of the United Nations officials, the practice is for Directors-General and Secretaries-General of specialized agencies to rank ahead of Under-Secretaries of the Secretariat. There is no order of precedence between the Under-Secretaries-General of the secretariat who are seated on a first come, first served basis. On some very special occasions, their order of seniority will be taken into account for their participation in ceremonies[31].

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[29] Protocol of the United Nations Security Council, http://www.United Nations.org/sc/presidency.asp. Accessed 15 June 2011.
[30] UNITAR Documents, "Diplomatic Protocol" *New York Protocol*, (MDP/UNITAR, 2010), pp.22-25
[31] Ibid.

The Secretary-General hosts one official lunch, to which spouses are not invited, on the opening day of the General Debate, the third Tuesday in September. The lunch is replaced by a dinner if that date falls during the fast period of Ramadan. The luncheon is hosted in the honor of the heads of state and government but an invitation is extended to all heads of delegations. With the exception of the five permanent members of the security council who can be accompanied by their minister of foreign affairs, only one guest per member state is invited. Taking into account the heads of the United Nations agencies present that day as well as a number of Under-Secretaries-General and some other selected guests, the number of participants comes close to two hundred and thirty, spread over twenty three tables. The Secretary-General and the president of the United States, as host country representative, are always seated together and open the lunch each with a few remarks[32].

A social programme is organized for the spouses of the heads of state and government. It usually includes the visit of one of the cultural institutions in New York as well as a tea at the residence of the Secretary-General and sometimes a lunch in the dining-room of the United Nations. The Secretary-General and his spouse host diners throughout the year at the private residence of the Secretary-General, mostly in the honor of visiting heads of state. The Secretary-General also hosts diners in the private dining room, in proximity of his office, at the United Nations. The office of protocol is responsible for the protocol aspects of the concerts and performances staged every year in the general assembly hall.

The most famous is the concert held to celebrate United Nations day, 24 October, when the founding members ratified the treaty. The most renowned world orchestras and performers have appeared on the occasion. Throughout the year, member states will organize cultural events

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[32] Ibid, pp. 29-30

and performances around themes which correspond to issues which have been endorsed by the general assembly for remembrance: human rights day, peace-keeping day, the remembrance of the victims of slavery and the transatlantic slave trade, and the holocaust memorial day to name a few. Later in the course, we will discuss more social events that one routinely comes across at other United Nations offices.[33]

Every country and most multilateral organizations have a flag code and so does the United Nations. The code prescribes that the United Nations flag will be flown at half-mast upon the death of a head of state or head of government upon learning of the death or the day following the death. In practice, this invariably falls on the day following the death because once the United Nations flag has been raised for the day after 0800h, it cannot be lowered (exceptions have been made but only after a major catastrophe, e.g., the Canal hotel bombing in Bagdhad in 2003 which killed twenty two). As stipulated in the United Nations Flag Code, the Secretary-General may also give special instructions to fly the flag at half mast upon the death of a world leader closely linked to the United Nations. Member states flags, which are displayed in the alphabetical order starting from the left, remain lowered while the United Nations flag is flown at halfmast. However, no matter the rule, the custom is for the chief of protocol of the United Nations to consult with the ambassador of the State in mourning what would be their choice of date for the flag to be flown at half-mast and many countries prefer the day of the funerals which sometimes can be days away[34].

When a head of state passed away a few years ago, the ambassador informed the chief of protocol of the nation's wish to have the flag flown at halfmast on the day of the funeral, planned

[33] Major Events in the U.N.'s History, http://www.cfif.org/htdocs/freedomline/United Nations_monitor/background/events_in_United Nations_history.htm
[34] United Nations flag code and Regulations, www.United Nations.org/depts/dhl/maplib/docs/stsgb132.pdf, Accessed 15 June 2011.

ten days in the future. The next day, The Secretary- General noticed that the flags were at full-mast and indicated his concern to one of his junior assistants who, without checking with the chief of protocol quickly gave instructions to lower the flags creating unwillingly great confusion. The chief of protocol, always tasked with transmitting bad news apologized to the ambassador who agreed that it was best to not request the flags be lowered a second time!

As times change so do customs generally and the spread of United Nations offices throughout the world requires them to function independently and to take their own decisions on the applicability of the United Nations flag code to the local norms[35]. United Nations offices other than headquarters, Geneva, and those within the country of mourning, are left to "use their discretion, taking into account the local practice, in consultation with the protocol office at the ministry of foreign affairs and/or the dean of the locally accredited diplomatic corps". The paramount concern of the United Nations is always to enhance relationships between member states and if a protocol rule is not in harmony with the accepted local protocol, it is always important to take the latter into consideration.[36]

Upon the death of current and past heads of state, heads of government and ministers of foreign affairs, the mission will send a 'note verbale'[37] to the Chief of Protocol indicating when the book of condolences will be open. The chief of protocol usually signs the book of condolences on behalf of the Secretary- General, who might wish in some cases to sign the book himself. The

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[35] Major Events in the U.N.'s History, http://www.cfif.org/htdocs/freedomline/United
Nations_monitor/background/events_in_United Nations_history.htm
[36] Ibid.
[37] See D. kappeler, M. Mwagiru & J. Odera, "Diplomacy Part I: The Concepts, Actors, Organs & Process" (University of Nairobi; IDIS, 2010), p.127. Diplomacy defined as a diplomatic communication prepared in the third person and unsigned.

Secretary- General may also decide to send a personnel letter to the government and to the family of the deceased.[38]

In principle, member states are limited to one gift, but in a few instances, more than one offering has been accepted. Member states are responsible for the installation of the offered artifacts and their maintenance. At headquarters, it is the task of the United Nations arts committee to decide whether a particular object should be accepted. The gift has to relate to the culture of the donor country and portraits have to be avoided. Individual artists and non-governmental organizations often seek to present works of art to the United Nations. While some were accepted in the past, a policy strictly observed for the last twenty years is to accept gifts only from member states. The ceremonies for the unveiling of these gifts are conducted and coordinated by the protocol and liaison service[39].

The United Nations has imposed a moratorium on gifts for the duration of the renovation of the headquarters building. There is an online video, to show how a member state, in this case Belgium, will present a gift to the United Nations, a portrait of H.E. Mr. Nelson Mandela, former President of South Africa, painted by Mr. Jan Beekman. As discussed by the Belgian representative in the video, the gift is technically from Belgium although he recognizes the generosity of the Mr. Beekman in creating and donating this portrait. In his speech, the Belgian representative thanks the United Nations Arts Committee for its cooperation, who as mentioned above, manages such exchanges. [40]

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[38] United Nations Documents on Diplomatic Protocol., 2010 MDP/UNITAR
[39] United Nations Charter, Article 17, Section 2 of the charter states that United Nations expenses "shall be borne by the Members as apportioned by the General Assembly." This requirement is supposed to prevent private interests like the United Nations Foundation from exercising undue influence over the world body.
[40] Video Link: http://www.youtube.com/watch?v=O'pw.ZSVr3ks. Accessed 18 June 2011.

The Secretary-General regularly gets gifts from visiting officials in New York and during his travel abroad. These gifts are considered personal and can be kept by the Secretary-General. The United Nations considers that all gifts to its officials, including medals and commendations are gifts to the Secretary-General and should be treated as such. In practice, "consumables" (e.g., alcohol, chocolates, etc.) can be kept by the officials but must be shared with colleagues. Nominal gifts (e.g., calendars or books) can be kept by the official. All other gifts have to be deposited with the United Nations.[41]

In conclusion, we can argue that the United Nations, as an international organization has experienced/demonstrated some notable flexibilities; through its functions and ceremonials in the recent years. However, judging from the rate of Influential changes as noticed in the ever evolving international environment today, more is needed from the United Nations if the very purpose of establishing this organization is to remain standing. Reforms proposal widely-acclaimed by member states poses frustration to the headquarters. The increasingly request for changes in the practice of diplomacy, ceremonial and protocols, supposedly makes United Nations a serious academic case.

[41] Wood, John R. and Serres J. *Diplomatic Ceremonial and Protocol.* (MacMillan press, London, 1971), Pp.32-33.

CHAPTER FOUR

THE UNITED NATIONS OFFICE IN KENYA; A STUDY ON CEREMONIAL PROTOCOLS ON PRACTICE IN NAIROBI, THE KENYAN NATIONAL CAPITAL

4.0 INTRODUCTION

The United Nations Office at Nairobi (UNON) is the United Nation's African headquarters, located at Gigiri complex in Nairobi, Kenya. Established in the early 1990s; UNON acts as the key administrative centre for the headquarters of the United Nations Environmental Programme (UNEP) and United Nations Human Settlements Programme (UN-Habitat) , providing them with comprehensive budget and financial management support, informed human resources and procurement services, and vital safety and security coordination. It also offers a broad menu of essential common services to other United Nations agencies in Kenya, provides sophisticated international conference and information facilities, and in liaison with the Kenya foreign ministry, maintains a global diplomatic and ceremonial protocol environment in Nairobi, complete with a host of competitive commercial, cultural and sporting facilities.[1]

Every section and organizations at UNON is aware of the very existing friendly ceremonials and protocols within the complex, and it is a whole responsibility of the Division for Conference Services (DCS) and The Host Country Relations Unit (HCRU) in UNON to work with the security and clearance Unit in providing conference, meeting facilities within Nairobi and handles all official arrangements for the UNEP and the UN-Habitat.[2] Nairobi is a very active

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[1] About UNON. http://www.unon.org/about.php. Accessed 7/8/2011.
[2] This view was articulated by Augustine Aghaulor, Division for Conference Services, chief, Planning and Coordination UNON, in an interview with the researcher (18 August 2011).

center of multilateral diplomacy in the world. It hosts about three thousand three hundred yearly meetings attended by more than 150,000 delegates[3]. This chapter will review the protocol arrangement amongst the United Nations, the Republic of Kenya and the diplomatic community of Nairobi.

4.1 THE UNITED NATIONS OFFICE IN KENYA – HOST COUNTRY RELATIONSHIP AND AGREEMENTS

Kenya is committed to the noble course of the United Nations. Being a Signatory to the Vienna and Geneva General conventions on diplomatic and consular relations adheres and administers the provisions of the conventions through its protocol department in the ministry of foreign affairs. The responsibility for concluding treaties involving the Republic of Kenya lies with the ministry of foreign affairs. The ministry is responsible for policy aspects, as well as matters of form and procedure.[4] The administration of the diplomatic privileges and immunities is done in accordance with the relevant provisions of the Kenyan Law; as stated in the agreement between the United Nations and the Republic of Kenya regarding the headquarters of the United Nations Environmental programme of 26th March 1975.[5] In cases of doubt, it is common practice to seek the advice of the protocol department.

According to the above agreement on extraterritoriality of the headquarters seat while in dispute of law, section 7(b) "Except as otherwise provided in this agreement or in the general convention, and subject to any regulation enacted under section 8, the laws of the Republic of Kenya shall apply within the headquarters seat." and 7(c) "the courts or other appropriate organs

[3] This view was articulated by Nelson Kahiu and Solomon Muhindu. Division for Conference Services. Meeting Assistant Clark and Statistic officer, Office of Meeting and coordinating Unit (MTU) UNON in an interview with the researcher (18 August 2011).

[4] This view was articulated by Mr. Wario Guyo. Political Officer. Third Secretary UNEP Kenya mission to UNON Nairobi Kenya, in an interview with the researcher (8 August 2011).See the Ministry of Foreign Affairs of the Republic of Kenya webssite, *Treaties & Agreements*, http://www.mfa.go.ke. Accessed 7/8/2011.

[5] United Nations. *Treaty Series*. vol. 962. p. 89

of the Republic of Kenya shall have jurisdiction, as provided in applicable laws, over acts done

and transactions taken place in the headquarters seat."[6] "Section 8(a) states;

> The UNEP shall have the power to make regulations, operative within the headquarters seat, for the purpose of establishing therein conditions in all respects necessary for the full execution of its functions. No law of the Republic of Kenya which is inconsistent with a regulation of the UNEP authorized by this section shall, to the extent of such inconsistency, be applicable within the headquarters seat. Any dispute between the UNEP and the Republic of Kenya as to whether a regulation of the UNEP is authorized by this section, or as to whether a law of the Republic of Kenya is inconsistent with any regulation of the UNEP authorized by this section, shall be promptly settled by the procedure set out in section 35. Pending such settlement, the regulation of the UNEP shall *apply and the law of the Republic of Kenya shall be inapplicable in the headquarters seat* to the extent that the UNEP claims it to be inconsistent with the regulation of the UNEP.[7]

The "section 35 states that;

> Any dispute between the UNEP and the government concerning the interpretation or application of this Agreement or of any supplemental agreement, or any question affecting the headquarters seat or the relationship between the UNEP and the government, which is not settled by negotiation or other agreed mode of settlement shall be referred for final decision to a tribunal of three arbitrators:[8] one to be chosen by the executive Director, one to be chosen by the minister for the time being responsible for foreign affairs of the Republic of Kenya, and the third, who shall be chairman of the tribunal, to be chosen by *the first two arbitrators. Should the first two arbitrators fail to agree upon the third within* six months following the appointment of the first two arbitrators, such arbitrator shall be chosen by the president of the International Court of Justice at the request of the Secretary-General of the United Nations or the government.[9]

This is done to facilitate the working and the general welfare and security of the diplomatic

community in Kenya and the effective management of presidential visits abroad and the

receiving of all state and official guests in the Country.

UNON is headed by a Director-General at Under-Secretary-General level, and is the

senior-most United Nations official in Nairobi who reports directly to the United Nations

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[6] Host Country Unit. "Agreement between the United Nations and the Republic of Kenya regarding the headquarters of the United Nations Environmental programme" Atricle III, section 7(a), 7(b), (UNON, 1975),pp.7-8.

[7] Ibid. section 8(a). pp. 7-8.

[8] Oxford Dictionary. *Arbitrator* is a neutral person; "a person who is chosen to settle a disagreement."

[9] Host Country Unit. "Agreement between the United Nations and the Republic of Kenya regarding the headquarters of the United Nations Environmental programme" (UNON, 1975), pp. 8-37.

Secretary-General on every political, procedural and security-related matters. As the Secretary-General's official representative, the Director-General serves as a direct link between the United Nations, the Kenya government and the extensive diplomatic community in Nairobi, and as the host of a wide variety of diplomatic gatherings and peace building initiatives that take place in the capital.[10]

The host country relations unit handles all official arrangements for UNEP, UN-Habitat and UNON staff ensuring that each individual is properly registered with the authorities and aware of all the tax breaks and other privileges to which they are entitled. For new staffs, the HCRU serves as a vital single stop on arrival to assist them and their dependants with entry permits and to obtain vehicle registration and road licenses, applying for VAT exemptions, and registering eligible employees for duty exemptions on imported vehicles, household goods, petrol products and personal effects.[11]

4.2 HOSTING THE UNITED NATIONS AND THE DIPLOMATIC COMMUNITY IN NAIROBI; CEREMONIALS FOR STATE VISIT / OFFICIAL VISITS

The Kenyan foreign ministry is the responsible entity for conducting foreign relations and liaising with international organizations like the United Nations. The permanent mission of Kenya to the United Nations (Nairobi), is also part of the Kenyan foreign ministry, and is the body representing of the host country at UNON. The Kenyan foreign ministry's protocol department manages and deals with, inter alia: to answer all legal questions regarding privileges and immunities; to organize and coordinate visits of foreign dignitaries (i.e., heads of state and

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[10] Ibid.

[11] This view was articulated by Frost Josiah, chief, Host Country Relations Unit UNON, in an interview with the researcher (19 August 2011).

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foreign ministers); to organize and coordinate all official events hosted by the president and minister of foreign affairs and other protocol matters, such as the presentation of credentials.[12]

The ministry of foreign affairs arranges appointments between the ambassadors/high commissioners and the president, cabinet ministers, permanent secretaries, provincial commissioners, district commissioners, senior civil authority officials and other senior government officials. To facilitate this, the embassies submit requests for such appointments through a diplomatic note to protocol division. The contents of the note should include the name(s) of officials, their title, time and date of the ambassador's preference for the appointment. Sufficient notice should be given to facilitate the necessary consultations and arrangements. The same arrangements should apply when visiting foreign officials desire to call on the president or other senior government officials. When the appointment is confirmed the embassy will be notified through a diplomatic note or by telephone.[13]

As a rule, Kenyan protocol recognizes state visit and official/working visit as the two types of visits by head of states and government. A state visit is organized within an inter-ministerial committee meeting chaired by the chief of protocol to arrange the official programme for the visit in liaison with the head of mission (ambassador) from the concerned sending state. However, the president of Kenya extends an invitation to a visiting head of state or government following which dates of the visit are agreed upon through diplomatic channels.[14]

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[12] Ministry of Foreign Affairs of the Republic of Kenya. *Protocol Guide*, http://www.mfa.go.ke. Accessed 7/8/2011.
[13] *MFA Kenya, 'Protocol Guide,'* Administrative Formalities for Diplomatic Corps. *www.mfa.go.ke, Accessed 20/08/2011.*
[14] This view was articulated by Mr. Raphael Musyoka, Third Secretary Interview, Protocol Department, Ministry of foreign affairs Kenya, in an interview with the researcher (2 August 2011).See the Ministry of Foreign Affairs of the Republic of Kenya website. *Protocol Guide,* http://www.mfa.go.ke. Accessed 7/8/2011.

The arrival ceremony is often organized in a way that the visiting head of state arrives at the Nairobi Jomo Kenyatta International Airport International Airport (JKIA), while the plane make a stop at the state pavilion and the chief of protocol officer with the head of mission of the country whom the head of state is visiting will boards the plane to receive him. On board, the chief of protocol officer is introduced the head of state and accompany him down the stairs of the plane to the receiving line to be greeted by the president of Kenya. After presentation of a bouquet of flowers, the head of state is introduced to a few high ranking Kenyan officials starting with the vice-president.[15]

The parade commander then invites the guest to inspect a guard of honour. After the guard of honour marches past, the guest is introduced to cabinet ministers by his host. The heads of diplomatic missions are thereafter presented to the head of state by the chief of protocol. After viewing a mass display of choirs and traditional dancers, the visiting head of state is escorted to the state pavilion to sign the distinguished visitor's book. The host, the president may make some welcoming remarks and accept questions from members of the press who may be present. The visiting head of state then departs for his hotel escorted by his host or a designated Escort of honour (cabinet minister).[16]

Official/working visit involves courtesy for specific dignitaries extended to officials of the rank of former president, vice president, prime minister, members of royal families and others so defined, or those of similar rank or position depending on their order of precedence. For instance in some countries; the speaker of the National Assembly comes after the head of state. The courtesies extended to such an official will therefore be those extended to a vice

[15] Ibid
[16] ibid

president and therefore, ceremonial and welcoming protocol may not require the presence of the president of Kenya except there is an exception, on a visit by the Secretary–General of the United Nations. official visits involving dignitaries to most organizations at UNON will usually be attended to at the state pavilion, by the UNON Director-General or the chief of protocol, whereas an official visit which includes visiting Kenyan authorities requires the protocol office of Kenya to be present, while the UNON chief of protocol's presence is optional upon the request of the permanent mission. Although there is no significant distinction between state and official visits, however they are both expected to take place for one or two days.[17]

On departure, the protocol service is always present but the presence of a member of the Kenya government is not compulsory. It will also depend on the diplomatic relationship between the country form visit and Kenya. Outside the United Nations headquarters, as the United Nations has gained in importance and prestige, what was initially an exception has slowly become a rule and the Secretary-General is nowadays given the honors accorded to a head of state in the majority of countries he visits. At the very least, he is received as a head of government. There are rely no codification regarding farewell ceremonies in Kenya, it varies according to circumstances in the country.[18]

1.3 PRINCIPLES OF ORDERS OF PRECEDENCE THAT INCLUDES THE DIPLOMATIC COMMUNITY AND THE UNITED NATIONS OFFICE IN NAIROBI

The issue of precedence is vital in the international environment for a better conduct of international relations; therefore efforts are made to see that proper protocols for precedence in Nairobi are well established. An example can be noted from a Nairobi historical instance of

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[17] Wario Guyo, Political Officer, Third Secretary UNEP Kenya mission to UNON Nairobi Kenya, in an interview with the researcher (8 August 2011), Op cit.

[18] Ibid.

1966, where the issue of who takes precedence after the president of Kenya, heated a strong debate at the Kenyan national assembly; when a Kenyan Member of Parliament (MP) "Mr. Shikuku asked the minister for local government "whether it was true that the Mayor of Nairobi had sent out a circular to all foreign Embassies in Nairobi, informing them that , as far as protocol in Nairobi is concerned, he, the Mayor , ranked second to the president of the Republic of Kenya"[19]

The principles governing the orders of precedence amongst the diplomatic community at UNON are fundamentally the same as those at United Nations headquarters in New York. Due to the makeup of different agencies and organizations at UNON as well as the nature of its relationship with the host country, some areas of precedence are given greater notice, such as the ranking of regional groups. At UNON, There are three categories of Permanent Representatives (PRs), including first of all, those accredited to the United Nations, who present their credentials to the Director-General of United Nations Office at Nairobi (UNON) as Representative of the Secretary-General of the United Nations, second are those accredited to United Nations Environmental Programme (UNEP) only, and thirdly are those accredited to United Nations Human Settlements Programme (UN-HABITAT) only.[20]

Fundamentally, those permanent representatives accredited to the United Nations take precedence over those accredited to the UNEP and UN-HABITAT. As at the United Nations headquarters, permanent representatives are ranked according to the date of presentation of credentials, but permanent representatives who do not have the title of Ambassadors are ranked afterward. As far as acting permanent representatives are concerned, they are ranked according

[19] Kenya National Assembly Official Record, Question No, 409, (Jan 25 - Mar 10, 1966).
[20] Augustine Aghaulor. Division for Conference Services, chief, Planning and Coordination UNON, in an interview with the researcher (18 August 2011). OP Cit.

to the last nomination as such. Worthy of note that, usually meetings or social events in Nairobi are centered on specific themes so that one seldom finds the three categories of permanent representatives together, apart from receptions where the problem of precedence and seating arrangement does not arise.[21] However, in Kenya the order of precedence for the diplomatic corps is determined by the date of arrival of an ambassador/high commissioner and the subsequent presentation of credentials to the president. The privileges and immunities accorded to the foreign personnel of International Organizations (IOs) vary and are often defined in host country Agreements signed between the organization and the country where it is headquartered.[22]

In general, the rules and regulations of protocol applicable to international organizations in Nairobi helps maintain good relations among a diverse set actors. Contrary to the simpler ranking systems and seating arrangement for delegations in the domain of bilateral relations, one must manage an order of precedence between numerous sovereign and equal state states in the realm of international organizations.

Furthermore, representatives of state states can have very different status; ranking from heads of state, head of government, minister for foreign affairs and other ministers from those of international organizations. Permanent representatives who are head of delegation are ranked after the ministers and then come their collaborators, starting with those with the rank of ambassadors. It is up to each country to rank people within its own delegation according to its own rules. There are various systems to seat delegations; the United Nations draws lots annually before the beginning of each elected general assembly. The first country drawn sits first in the

[21] Ibid.
[22] M. Nguru. 'Class Lecture,' *Diplomatic Methods and Practice*, (Institute of Diplomacy and International Studis (IDIS) 2009/2010)

front row and all other countries are seated afterwards in the alphabetical order starting with the letter of the name of the country selected first. In Nairobi, the committee of permanent representatives hold special meeting every two years and the English language version of the country's name is used.[23]

After the creation of the United Nations, subsidiary bodies have been created to deal more specifically with certain problems like development, trade, environment, refugees, human rights, etc. Many of these subsidiary bodies have their headquarters outside New York, especially in Nairobi. The ranking of the United Nations officials in Nairobi follows the ranking of their respective United Nations subsidiary organs thus:[24] United Nations Environmental Programme (UNEP), then United Nations Agency for Human Settlement (UN-HABITAT), then United Nations Development Programme (UNDP), then United Nations Children's Fund (UNICEF), then United Nations Population Fund (UNFPA), then United Nations World Food Programme (WFP), and United Nations Development Fund for Women (UNIFEM)

The rules of precedence between permanent representatives and heads of Secretariats and International Organizations (IOs) are also largely codified in the guidelines on diplomatic courtesy in Nairobi. Firstly, the Director-General (DG) of UNON takes precedence over permanent representatives. As the figure head of this United Nations office, the UNON DG plays a central role. When hosting an event, permanent representatives give precedence to DGs and Secretaries- General (SGs) of specialized agencies and international organizations from the United Nations family. When hosting an event, DGs and SGs of specialized agencies and

[23] Augustine Aghaulor, Division for Conference Services, chief, Planning and Coordination UNON. in an interview with the researcher (18 August 2011). OP Cit.
[24] According to the rules laid down in the document *Guidelines on Diplomatic Courtesy in Nairobi* edited by the United Nations Office at Nairobi (UNON)

international organizations from the United Nations family give precedence to permanent representatives. Therefore, one must simply remember that between these two parties, courtesy is the golden rule as the host will give precedence to his/her counterparts. The heads of other intergovernmental organizations should be given precedence over permanent representatives when this is in the nature of the social gathering in question. For example, the Secretary-General of UNEP will take precedence over permanent representatives at an event relevant to Environment.[25]

About four thousand NGOs are registered in Kenya and out of these 400 are international.[26] Usually, NGO members are not taken into account in protocol rules, but at events like diplomatic business luncheons or dinners, they are frequently invited, and the question of their seating depends very much on the nature of the discussion. If the theme of the debate is such that the NGOs may provide an important contribution, they may be seated more favorably than strict protocol rules would permit.[27]

4.4 THE NAIROBI UNIQUE PROTOCOLS FOR SOCIAL OCCASIONS

There are various forms of social occasions applicable to diplomatic activity common amongst countries, including but not limited to: Breakfast Meeting, Luncheon, Dinner, Reception, Vin d'honneur.[28] Either hosting or attending a social occasion can often feel like part of the job. This is of course because it is not just an opportunity to eat and drink well, but a part of a diplomat's core work to represent their country. While the purpose of the actual event is often to celebrate a holiday or diplomatic ties between countries or with an organization, the

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[25] Ibid.

[26] Peace Net Kenya, Training and Capacity building Program for NGOs launched, http://www.peacenetkenya.or.ke/component/content/article/3-newsflash/164-training-and-capacity-building-program-for-ngos-launched, accessed 22/08/2011

[27] Augustine Aghaulor. Division for Conference Services. chief. Planning and Coordination UNON, in an interview with the researcher (18 August 2011). OP Cit.

[28] The vin d'honneur is kind of a mini-reception that happens right after the ceremony where there are glasses of wine and some snacks (brioche, cookies, potato chips, crackers, peanuts, etc.).

purpose of an invitee attending the event should be aligned with his/her mission's mandate and more generally national interests. In Nairobi, any member of the diplomatic community can host a social occasion, which will require an extension of invitations to other friendly embassies and international organizations. An invitation to an official function should include the: crest or logo, if applicable; names of the hosts; nature of the function; purpose; venue; date; time; dress; where the reply should be sent/or whether only to regret; any special information or instructions, e.g. guests are asked to be seated by or Please bring this card with you, or medals and decorations are to be worn.

Invitations to official functions should give the host by his office and/or name with full title and rank but prefixes such as His Grace; His Excellency; His Worship, the honourable and the Suffix Esquire, are never used. Invitations can be engraved, hand-written, or made more informally by telephone, email or fax. For more formal invitations, engraved or semi engraved invitations with black ink should be sent out well in advance. In the case where the event has a "guest of honour", the invitation will usually specify that it is being held "in honor of" the person.[29] One should respond in accepting or rejecting an invitation as soon as possible, ideally within two-three days.[30]

An introduction is the seed of a conversation. Brevity and accuracy are two requirements that must be kept in mind when introducing people. The person making the introduction is completely in charge of the situation including the length of time that it takes to make the introduction. There are a few simple rules to remember: that a man is always presented to a

[29]See further. 'Department of the Army Pamphlet', *A Guide to Protocol and Etiquette for Official Entertainment*, (Washington, DC 11 December 2001), pp. 1-9.
[30] United Nation Institute for Training and Research (UNITAR)Workshop, Diplomatic Protocol, (MDP/UNITAR, 2010)

woman- with the exception of the president of any country, a king, a dignitary of the Church, or when a junior female officer is "officially" presented to a senior male officer, the honored/higher ranking person's name is stated first, then the name of the person being presented, young people are presented to older people of the same gender, a single person is introduced to a group, and rising from a seated position when in the act of introducing or being introduced is customary.[31]

When introducing oneself, a firm handshake is a standard way to engage the person you are meeting, accompanied by, "Hello, my name is..." Using one's full name is more appropriate in formal situations. We should always first check to see what local customs are used for greetings, and whether a handshake is appropriate in contrast to other salutatory gestures, such as bowing or nodding. When introducing two people, it is prudent to use, "May I introduce you to...?" or "I have the distinct pleasure to present..." in more formal encounters.[32]

On the occasion of the formal events, the host/hostess may use a receiving line to welcome guests where he/she is positioned with the accompanying host/hostess. Following the host, there will often be as well his principal staff (at a permanent mission) or ministers (of a head of state). Before attending such events, it is useful to be acquainted with the host/hostess' method of greeting guests where some cultures may differentiate in shaking hands, etc. The host should in such instances be nearby the exit to see off guests at the end of the event. In the most formal settings, such as a state dinner, there may be a guard at the entrance to the venue as well as an officer who announces each guest entering. In other instances, such receiving lines can apply in more informal settings such as larger buffet-style events or receptions where, for example, a head of mission (host) and his/her high-ranking staff will greet guests at the entrance.

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[31] Morrison, Terri. *Kiss, Bow or Shake Hands: How To Do Business in Sixty Countries in* U.S. Department of State Document. *Protocol for the Modern Diplomat.* (Washington DC, 2005), pp. 6-15
[32] Ibid. p.15

In this case, the host will not be as likely to be available at the close of the event to say good-bye to guests.[33]

Before invitations are dispatched for a meal occasion (i.e., luncheon or dinner), a preliminary seating plan is drafted. The guests are selected and it is essential first to ensure, as far as possible, that none are likely to clash (politically, personally or socially). Secondly, we should make sure that none are likely to object to the precedence that has been accorded to them. If diplomats only are present, this latter problem will not arise, given the absolute nature of their order of precedence. But if non-diplomats of the host country are present, the problem could easily arise as their order of precedence is not so definite. In this latter instance, senior diplomats and members of a ministry of foreign affairs have a high degree of precedence. As stated before; in cases of doubt, it is common practice to seek the advice of the protocol department; and it is normally found that a youthful guest will not resent giving way to age, particularly if the hostess adds a quiet word of apology.[34]

As follows, here are step-by-step guidelines for preparing a typical mixed seating plan for a rectangular seating arrangement where both men and women are present. Of course, as with most facets of protocol, not all processes are set in stone but should remain malleable according to each occasion.[35] The first step is for official lunches and dinners whether spouses are present or not, guests are seated in accordance with their rank, whether male or female.

[33] UNITAR Workshop. (2010), OP Cit.
[34] UNITAR Workshop, Practical instance Debated (UNON, October, 2010)
[35] U.S. Department of State Document, *Protocol for the Modern Diplomat*. (Washington DC, 2005), p. 21.
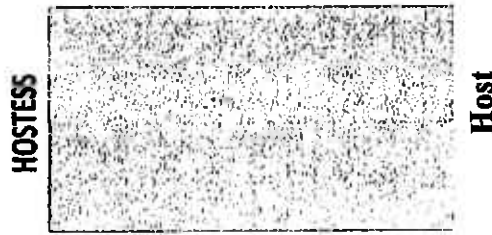
Figure 1

For such occasion as shown here in *Figure 1*, the table is set traditionally with the host and hostess seated at the head and foot of the table respectively. Note that; when the host wishes to pay special attention to a guest of particular high rank, such a guest may be seated opposite the host, that is, the place of co-host where the hostess is seated here.

The second step is to make sure that the first place of honor for the "guest of honor" is at the right of the host. The guest of honor is the ranking guest and his/her spouse is seated according to their rank (*W = Female guest, M = Male guest*). Thus, the husband of a female Ambassador would be seated according to his wife's rank unless he himself holds a higher rank. However, an exception is that the husband of a head of mission, unlike a wife who is placed according to her husband's rank, is placed immediately after the second ranking officer of the mission.

Figure 2

In this example, the wife of the host is present (i.e., hostess), so the place of honor for a man would be at the hostess' right, and the spouse of the guest of Honor is seated at the host's right (*Figure 2*). On such occasions where the spouse of the host is present, spouses of guests should be invited. In general, husbands and wives are not seated next to each other and male and female guests are interspersed. Unmarried couples may or may not be seated next to each other.[36]
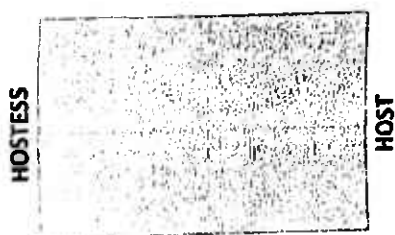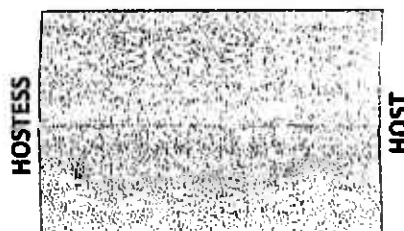

Figure 3

Figure 4

In the third step, following these initial seating positions, one continues to proceed according to rank and gender. The second ranking male/female is seated to the left of the hostess/host respectively (*Figure 3*). And lastly, the third ranking male/female sits at the right of the first ranking female/male respectively, and the fourth ranking male/female sit at the left of the second ranking female/male respectively. This pattern continues until the table is completely filled (see *Figure 4*).

For a mixed event at a round table, which can be used for small or large events and help to stimulate a social environment, the seating arrangement is as showed in the graphic (see

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[36] Ibid., p.22.

Figure 5). For a stag event where only one sex is attending, a party of eight would be seated in the order shown in *Figure 6* with a host and co-host setup.[37]
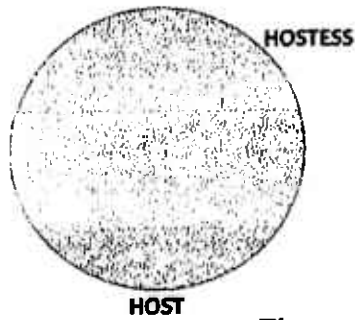

HOSTESS
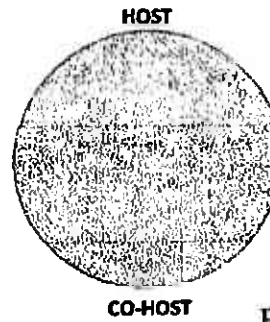
HOST

Figure 5

HOST

CO-HOST

Figure 6

General recommendation of a list and table chart at the entrance of the event with the name and title of guests along with their seating place is useful for medium to large events. guests who share interests should, as far as possible, be seated together. The most important guest should be seated facing the entrance, the least important nearest the entrance. If more than one table is used during an event and spouses are present, husbands and wives, including the host and hostess, should sit at separate tables. In this case where the host and hostess are seated at separate tables, they will each choose co-hosts and co-hostesses which are typically high-ranking guests or fellow colleagues. At lunches or dinners at which men and women participate at a horse shoe table and where the host and hostess are seated opposite each other.[38]

[37] U.S. Department of State Document, *Protocol for the Modern Diplomat*, (Washington DC, 2005), p.16.
[38] Ibid

Hostess

Host

Figure 7

Besides being the official figurehead of the social dining occasion, the host will fulfill several other ceremonial duties. First, in the situation where a co-host will be present, it may be up to the host to make the final decision as to whom will be selected as co-host. Depending on the formality of the event, the host will welcome guests in a receiving line, and possibly use a "departing line" to see the guests off. At the outset of the meal, often following the first course, the host typically makes a toast to welcome the guests. These remarks will ideally be brief and concise. A second toast may follow later in the meal when dessert is offered in order to pay tribute to the guest of honor. The nature, duration and order of such remarks will of course vary according to the event. For example a meal celebrating a national holiday may not necessarily have a guest of honor, and remarks may be more long-winded in tribute to the country in question.

4.5 FORMS OF ADDRESS AND TIMING OF EVENTS

The multicultural aspect of the United Nations calls for standardization, simplicity and homogeneity in the forms of addresses used by the different offices of protocol in publication and correspondence. Forms of address apply to the United Nations system as a whole, and are therefore not limited to protocol in Nairobi. There are certain universal conventions governing

styles of address but all countries have their particular style. Generally, the style of addressing a person is determined by his or her status as well as the relationship between that person and the speaker or writer. When unsure of an official or person's title or position, one can consult the protocol and Liaison Service or permanent missions to confirm as a precaution. Formal communication between parties is contingent on the status of those involved and the circumstances. In general, among the many instances where formal communication is appropriate, it is prudent to utilize this kind of correspondence when addressing a head of state/government, minister of foreign affairs, permanent representative of a state, or observer of a non-member state.[39]

Topics that normally require communication via a formal letter include: the official statements by the Secretary- General, or actions by the Secretary-General connected to United Nations organs, acknowledgements of the credentials or appointment of permanent representatives, and similar information to governments and permanent missions on matters involving the duties and responsibilities of the Secretary- General under the Charter of the United Nations or under the provisions of an international convention.[40]

Opening a formal letter, the first sentence should read "I have the honour to ..." except in letters from under/assistant secretaries-general to permanent representatives which read "I am directed by the Secretary-General to ..." or "On behalf of the Secretary- General, I have the honour to..." One common form of formal communication in the United Nations is the "note verbale." This formal letter in the third person perspective is not recommended for use within United Nations system, nor with non-governmental organizations or the public. It is generally

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[39] Augustine Aghaulor. Division for Conference Services, chief. Planning and Coordination UNON. in an interview with the researcher (18 August 2011). OP Cit.
[40] *United Nations Correspondence Manual*, (ST/DCS/4/Rev.1, 2000). p.23.

used to address a permanent mission, permanent representative/observer, or ministry/minister of foreign affairs. As the working languages of the secretariat, French and English are used (British spelling in English).[41]

Many argue that diplomacy has witnessed a growing informality throughout the 20th century, and because protocol does not function in a vacuum, it has also adapted to mirror broader societal norms. Digital diplomacy via e-mail is one fundamental example where a technological innovation has helped facilitate speedier communication and provide reliability in communication. Nevertheless, the United Nations correspondence manual warns that it is to the discretion of both the sending and receiving parties to decide whether e-mail communication "can be accepted as formal correspondence."[42] The document also notes that e-mail should continue to follow the United Nations standards of discourse despite its more informal nature. Informal letters are considered communication between: The United Nations organizations, the Persons outside the Secretariat with the Secretariat, and the High-ranking United Nations personnel (i.e., Secretary-General and assistant/under Secretaries-General) and non-ambassadorial representatives of delegations or permanent/observer missions.[43]

In practice, formal letters are expected to close with such compliments as: "Please accept, Excellency (Sir, Madam), the assurances of my highest consideration". It should be indented as a separate paragraph. While in informal letters, compliments such as: "Your truly," or "Yours sincerely," or "I remain Dear Sir (Madam)..." is used and the name of the addressee is included, when it is known. The forms "Dear Sir" and "Dear Madam" are appropriate only in impersonal

[41] M. Nguru. 'Class Lecture.' *Diplomatic Methods and Practice*, (Institute of Diplomacy and International Studies (IDIS) 2009/2010) OP cit.
[42] United Nations Correspondence Manual. (2000)
[43] ibid

letters. In circular letters the form "Dear Sir or Madam" may be used.[44] The standard accepted in the United Nations is the term 'Excellency' to refer to heads of state, heads of government, states of cabinet, heads of international organizations, including the Secretary-General of the United Nations and Ambassadors in written correspondence as well as well as in verbal salutations. This simple solution has avoided many protocol dilemmas and potential mistakes on how to address the VIP. Titles, national honours and academic degrees conferred on a person also determine the style of address to be used. The appropriate style of address is written before the recipient's name and the abbreviation of the respective order is placed after the name. The United Nations document prepared by the protocol and Liaison Service constitutes a point of reference for the various forms of address for heads of state and government, as well as other religious, legal, diplomatic royal and political officials from around the world.[45]

Luncheons start usually between 1:00 - 1:15 pm as meetings are usually adjourned in the afternoon at 1:00 pm; receptions are usually between 6:30 and 8:00 pm; and dinners are normally at 8:00 pm. participants are expected to arrive at a luncheon and dinner no later than 15 minutes after the beginning of the event. Some cultures tend to customarily arrive later for social functions, but being too lax when it comes to punctuality can also send a careless and disrespectful message to the host. Most events, including dinners, are attended in a suit for men and more conservative attire for women.[46] As for many components of diplomatic protocol, a particular event's dress is often a question of common sense and consideration of the circumstance, particularly when dress is not specified upon formal or informal invitation. Black

[44] United Nations Correspondence Manual, (2000).
[45] United Nations Protocol and liaison Services Document, (Published 23 August, 2011). http://www.un.int/protocol/documents/Hspmfm.pdf. Accessed 26 August, 2011.
[46] Augustine Aghaulor, Division for Conference Services, chief, Planning and Coordination UNON, in an interview with the researcher (18 August 2011). OP Cit.

tie events do occur and will be announced appropriately by way of formal invitation. Black tie typically refers to a more conservative evening dress or gown for women, and a tuxedo (US) or dinner jacket (UK) for men. The diplomatic corps tends not to hold white tie events. The question of national dress in a multilateral and international environment is always pertinent, and wearing one's national dress is always appropriate.[47]

4.6 THESES CONCLUSION

History has reviewed in this study that neither military approach nor diplomacy can eliminate conflict in the international environment. Nevertheless, both military might and diplomacy when interplay can sustain peace and security in the international environment. The basic requirement will be to get states to cooperate, create guiding principles that will be unanimously endorsed by peace loving state members of the international community. This argument on military might and diplomacy not eliminating conflict in the international environment can be explained by the instances of the first and second world war; where countries refuse totally to agree with each other, but instead chose to test their military arsenal, (e.g. in the WW II, the Premier of the Soviet Union Joseph Stalin, in his three summit meetings with his fellow allied leaders refused to travel to any destination which would force him to leave territory he controlled),[48] and the other part is in diplomacy, where countries will actually come to the negotiation table but refuse to cooperate. (e.g. Israel –Palestine case).

The research statement is justified above, because without protocol, without procedural conduct and cooperation, the international peace and security will not be assured. Therefore, the need to safeguard the United Nations institution that has managed relative peace for more than

[47] Ibid.
[48] Berthon & Potts, *Warlords: An Extraordinary Re-creation of World War II Through the Eyes and Minds of Hitler, Churchill, Roosevelt, and Stalin*, (Da Capo Press, 2007), p. 285.

65 years, being the longest the world have stayed without international conflict in history of the international environment. Since the collapse of the League of Nations that in history resulted from partial commitment by member states to cooperate with the League principles, care should be taken to ensure that countries (big and small alike) cooperate with the guiding principle at the United Nation regarding the charter of the United Nations and ceremonial protocol.

In chapter two, the origin of international protocol was detailed from the ancient ages and through the middle ages to the recent history; fulfilling the first objective for this study. Furthermore, in one part of the second objective, using the assumption by Thomas Kuhn on paradigm shift, Kuhn explains that paradigms help us to match fact with theory and help to solve important puzzles in their discipline. He argue that once a paradigm can no longer serve purposes, then by scientific revolution, new paradigm replaces the old one in other to serve the current needs. Only one paradigm exist at the same time, therefore, relating Kuhn's assumption to the theoretical frame work (regime theory) for this thesis, we can rightly state in the context of the study that events begat norms, and norms begat protocols.[49] We should never forget again that protocol is not an end in itself, but a tool for effective diplomacy. Thus protocol in international organizations requires one to constantly consider the wishes of the various players, and balance the need for rules with the flexibility demanded by the multiplicity of the social and cultural environments of the participants.

In chapter three and chapter two, we discovered that the United Nations relationship with its major host countries and other United Nations families and diplomatic communities, are not only built by consensus, but as well have endorsed agreements. This agrees with the second part

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[19]Thomas Kuhn. *The Structure of Scientific Revolutions* (1962), paradigm shift is "a change in the basic assumptions, within the ruling theory of science."

of the second objective for this study. While the principles on privileges and immunities are established by multilateral conferences and treaties, the United Nations also have bilateral agreements signed between the host country and the organization, such as the agreement signed between the United Nations and the government of the Republic of Kenya regarding the headquarters of the United Nations Environmental Programme (UNEP) in 1975.[50] However, in chapter three and four, we discovered that countries under United Nations use conferences and rules to ensure peace and international security. With cooperation, they map out some enforceable measures both military and diplomacy, to deal with member state that derogates. Making sure that diplomats and professional, under the United Nations have certain privileges and immunities,[51] which is viewed by many as the centerpiece for the conduct of international relations. Not forgetting the theory of sovereignty and equal representation that accord all state equal right and measure under the United Nations, as a way to use ceremonial protocols to encourage international cooperation.

An example for recent events that can change norms of international relations was seen between 2003 invasion of Iraq by the United States of America and allies, and the 2011 Libyan crisis. Ceremonial and protocols shaped tremendously in the international system, after the United States (US) and allies invasion of Iraq in 2003. Consequently, many countries criticized the US action; invasion was illegal and without international consensus, therefore called on international actions against the US. The cost was high for the US and when the Libyan crises

[50] United Nations. *Treaty Series*, vol. 962, p. 89
[51] Detailed in the treaty of Vienna Convention on Diplomatic Relation of 1961(VCDR).

started in 2011, proper protocol resulted to United Nations resolution 1973[52]. Though not without criticisms, but an international standard for protocols was observed.

Liberal tradition concept on international relations, in reviewing some of the difficulties that diplomacy face throughout the history, there are often gestures that describes diplomacy at its best and diplomatic protocol required that such areas be given priority. The issues like venue and diplomatic handshake are two but very important gestures in diplomacy that may not have been so much mentioned in previous chapters, but there would likely be no positive outcome in diplomacy without ceremonial that involve these two. Therefore, diplomatic protocol requires that venue favor negotiating parties, and a handshake might definitely be a signal to progress.

During the Second World War, as mentioned in paragraph one, Stalin in his three summit meetings with his fellow allied leaders refused to travel to any destination which would force him to leave territory he controlled. There was no willingness to rotate the venue among the allies. The postwar era, however, has seen the principle of rotation become the norm. The EU rotates the now semi-annual EU Council summits[53]. The problem of where to hold meetings is often caused by the implied prestige conferred upon the host, as well as the opportunities provided by the host to utilize this role. The problems of venue are not new. Initially, neutral areas were used because of the mutual suspicion of leaders. The fifteenth-century meeting between Edward IV of England and Louis XI of France on a bridge is symptomatic of the problems surrounding such meetings. Leaders were reluctant to travel through potentially hostile

[52] Unite Nations Report, *Resolution 1973 - Responsibility to Protect* (May/June, 2011).
[53] Berthon & Potts. *Warlords: An Extraordinary Re-creation of World War II Through the Eyes and Minds of Hitler, Churchill, Roosevelt, and Stalin*, (Da Capo Press, 2007), p. 285.

territory. Even in 1807 Napoleon and Tsar Alexander 1 met on a raft in the middle of the Niemen at Tilsit[54].

The proffer hand is taken as a signal of good faith and willingness to cooperate, the refusal to do so is seen as the opposite, and ignoring a proffered hand a significant diplomatic insult and a clear signal of disapproval. Prince Charles pointedly ignored Idi Amin's proffered hand at Jomo Kenyatta's funeral (1978). The question of whether or not Yitzak Rabin of Israel would shake Yasser Arafat's hand was focused on to such an extent that president Clinton virtually threw the two together on the lawn of the White House. Symbolic as this was seen at the time, this tepid handshake was a far cry from Begin and Sadat's embrace when Sadat visited Jerusalem. Perhaps embraces will be the next development. British prime minister Tony Blair in meeting Sinn Fein leader Gerry Adams temporized, shaking hands with him, but out of public sight. There is, of course, the issue of paranoia amongst leaders. Nicolae Ceacescu of Romania feared assassination from poison made to be absorbed through the palm and so kept his hand to himself. President de Gaulle of France was a master at ignoring proffered hands[55].

The regime theory assures that countries will cooperate even in anarchy but that would be better under international institution, which will assure a neutral ground for every party involve in negotiation of any type, with certain agreeable and procedural methods. Using the above instances and analysis in testing the hypotheses for this study, we can agree that the existence of the United Nations can be determined by proper ceremonial protocols that grants member states equal rights and increases international cooperation.

[54] William Napier, "*History of the War in the Peninsula 1807-1814*" Vol. 5. (Paris, 1979). p 167.
[55] Cal McCrystal, "What's in a handshake," *The Observer*. (19 Oct. 1997), p.53.

CHAPTER FIVE

CONCLUSION

Protocol in an international environment is established under peace treaties, and can be defined to be the guiding rules and principle that is needed to make smooth, international relations and conduct of peaceful diplomatic relations. Hence free consent, good faith is of fundamental importance for the conduct of international relations in general and is therefore recognized as an international principle according to the very terms of the Vienna Convention (Preambular para. 3). If a state does not behave in good faith, peace and international security, the supreme goals of the Charter of the United Nations might eventually be put in jeopardy. Having in mind that the charter of the United Nations as well is a guiding principle for the conduct of international relations under the United Nations, we should be sure that we do not increase the number of obstacles by a rigid adherence to traditional concepts which may be the product of historical situations which do not have their counterpart today.

Building arguments on the evolving nature in practices of diplomacy, of course, being a subjective element of behaviour, presence or absence of good faith can be difficult to prove. In the last analysis, good or bad faith can only be found in the minds of individuals, in particular of those who happen to have an influence on the conduct of foreign policy and, more specifically, of those whose task it is to negotiate and implement international conventions. Ceremonial protocol is very important in the conduct of international relations, and the executive council of the United Nations has always recited on this argument while defending failure to properly tackle cases under international peace and security. Appraising the affluent development existing within

the United Nations member states and other organizations, it is very important still that rules of diplomatic protocols remain codified unanimously; so that bilateral arrangements be modestly encouraged. This is regarding the high influence of informalities present in diplomacy today. The fear in this case is that if protocols should be weak in diplomacy, then the conduct of diplomacy will in turn go weak and the United Nations will definitely become a play ground hosting unserious events.

The act of disregarding the United Nations protocols and various misconducts of international political policies are being taken more seriously and it is very encouraging; especially in the affairs of the Middle East and the manner of military actions that involved the United Nations in the past. However, the most recent demand of the highly increased United Nations member states on the issue of UN reforms is highly commended here; given the ever changing nature of nations, mostly from dictatorship to democracy. Norms keep changing from country to country changing international relations, notably the UN members changed from 51 to 193 since 1945[1]. Therefore, these countries need more active role in the conduct of international affairs, which will promote the survival of the over six decades of relatively peace in international environment.

Where protocol fails, diplomacy fails;[2] if nations become comfortable with other organizations, they might as well start disregarding United Nations rules and protocol; therefore the ever preaching flexibility should take its course on United Nations reforms, while informality should not exceed traditional rules and ceremonial practices of the international environment. As we can see a regional organization like North Atlantic Treaty Organization NATO, has been

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[1] With the admission of the *Republic Southern Sudan as UN member on July 14 2011*, the number of the UN member states becomes 193. Out of the 193 Member States. 192 maintain a Permanent Mission in New York. The only exception is Kiribati

[2] Take Kyoto protocol for example.

playing more global role even when it is not a global organization. The Iraq, Pakistan mostly Middle East area and just recently the 2011 Libyan event, which was passed on to NATO by the United Nations, making global peace and security under the United Nations a western affair.

Protocol conflicts have been an issue in the United Nations for a long time from now, but the recent activities of certain world leaders using the UN General Assembly summit to pure out their discontent, for example the Libyan leader (Muammar Gaddafi) in 2009 tore the UN charter on his 100 minutes speech at the UN General Assembly summit, saying that the United Nations protocol is old fashioned and outdated from contemporary international relation. Also the president of the Islamic Republic of Iran (Mahmoud Ahmadinejad) at the 2011 UN General Assembly summit accused westerns power of misconduct and abuse of the United Nations protocols. In all, the dispute seems to be heating, with one side disregarding protocol pointing the blames at the western powers in Security Council for misconduct, while the accused in the Security Council seek for a way out without major reforms.

The principle of UN Charter reform, which includes altering everything from institutional purposes and structures to more satisfactory operating procedures, is most important objective for diplomats in New York as a formal agenda item as well as an informal and enduring cocktail party pastime. In practice, however, substantive and substantial reform has proved virtually impossible. In fact, only three amendments have been made to the UN charter in almost sixty years, and all dealing only with seat numbers in two of the six principal organs, once for the Security Council and twice for the United Nations Economic and Social Council. In response to the increasing concern of UN member states, an open ended working group was

established in the general assembly in 1993 to hear proposals and to seek out areas of agreement regarding Security Council reform.

In Kofi Annan's Millennium Report, We the Peoples: The Role of the United Nations in the 21st Century, released on 3 April 2000, highlights the urgent need for reform of the Security Council. In the report, Annan stresses that it is vital; "To reform the Security Council, in a way that both enables it to carry out its responsibilities more effectively and gives it greater legitimacy in the eyes of all the world's peoples." In this study, we believe that that reforming the UN charter to reflect equal representation of persons and regions in the UN Security Council like the statement in the UN charter, chapter III, article 8; "The United Nations shall place no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in its principal and subsidiary organs", if that "subsidiary organ" be remove to read "Security Council", either in article 8 or any other article with some other reformed grammar, that alone will restore prestige to the UN ceremonial protocols, and improve international cooperation. Because we believe that in the 21st and beyond, Nations and people are encourage by the principle of self-determination, and it is only with a pacific international ceremonial protocol like in the United Nations summit shall we determine international equity.

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